

PLANNING COMMISSION MINUTES

May 25, 2000

CALL TO ORDER:

Chairman Dan Maks called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Dan Maks, Planning Commissioners Betty Bode, Chuck Heckman, Eric Johansen and Vlad Voytilla. Commissioners Bob Barnard and Sharon Dunham were excused.

Development Services Manager Irish Bunnell, Senior Planner John Osterberg, Planning Consultant John Spencer, AICP, Assistant City Attorney Bill Scheiderich and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Maks, who presented the format for the meeting.

VISITORS:

Chairman Maks asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

OLD BUSINESS:

PUBLIC HEARING:

Chairman Maks opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response

CONTINUANCES:

A. BEARD COURT

The following land use applications have been submitted for a 60-unit single family detached, Planned Unit Development, proposed to be located east of SW 155th Avenue and north of SW Beard Road. The zone change and development proposal is located on property identified by the Washington County Assessor's Map 1S1-29DB, on Tax Lot's 101, 300, 400, and 500, and is zoned Neighborhood Service Center (NS).

1. **RZ 2000-0001: BEARD COURT REZONE:**

The applicant requests approval of a Rezone (RZ) to change the City's zoning designation from Neighborhood Service Center (NS) to Urban Standard Density Residential (R-5). This rezone is proposed with the condition that if the Conditional Use Permit (PUD) is denied, the denial will prevent the final approval of the Rezone. This rezone is also proposed with the condition that if the two Sexton Mountain Rezones (RZ2000-0002, RZ2000-0003) are denied, the denial will prevent the final approval of the Beard Court Rezone. The Planning Commission will review the rezone request through the RZ2000-0001 application.

2. **CUP 2000-0001: BEARD COURT CONDITIONAL USE PERMIT (PUD):**

Request for a Conditional Use Permit approval for a 60-unit Planned Unit Development (PUD) on 10.33 acres of land. The PUD request includes proposed single family homes, sidewalks, streets, open space tracts, and associated landscaping. Proposed access points include two locations on SW 155th Avenue, and two locations on SW Beard Road. The Planning Commission will review the preliminary development plan through the CUP2000-0001 application.

3. **TPP 2000-0001: BEARD COURT TREE PRESERVATION PLAN:**

The applicant requests Tree Preservation Plan approval to remove trees within an area identified as a "significant grove" on Beaverton's Inventory of Significant Trees. The Tree Preservation Plan is proposed with this project to evaluate removal and impact to existing trees as a result of the residential development. The Planning Commission will review the proposal through the TPP2000-0001 application.

B. **THE SEXTON MOUNTAIN VILLAGE PROJECT:**

The following land use applications have been submitted for the development of a grocery store approximately 61,000 square feet in size and approximately 94 townhomes at the northwest corner of SW Murray Boulevard and SW Beard Road. The zone change and development proposal is located on property identified by Washington County Assessor's Map 1S1-29DD on Tax Lots 100 and 200, and is currently zoned Urban Standard Residential (R-5).

1 1. **RZ 2000-0002: THE SEXTON MOUNTAIN VILLAGE PROJECT/**
2 **HAGGEN STORE ZONE CHANGE:**

3 Request for Zone Change approval from R-5 to Community Service (CS) on
4 the northern portion of the Sexton Mountain Village parcels. On this portion
5 of the site, the applicant is proposing the development of a grocery store
6 approximately 61,000 square feet in size, which would be a permitted use
7 within the CS zone. The Planning Commission will review this Zone Change
8 through the RZ2000-0002 application during a public hearing. This Zone
9 Change application will be reviewed in conjunction with RZ2000-0001 Beard
10 Court Rezone, RZ2000-0003 Sexton Village Zone Change, and CUP2000-
11 0003 Sexton Mountain Village CUP (PUD). A condition to the approval of
12 all three Zone Changes and the CUP would be if one application were to be
13 denied, then the denial of that application would prevent the approval of the
14 other applications.

15 2. **RZ 2000-0003: THE SEXTON MOUNTAIN VILLAGE PROJECT/**
16 **SEXTON PLACE TOWNHOMES ZONE CHANGE:**

17 Request for Zone Change approval from R-5 to Urban Medium Density (R-
18 2) on the southern portion of the Sexton Mountain Village parcels. On this
19 portion of the parcels, the applicant is proposing the development of
20 approximately 94 residential units, which would be a permitted use within
21 the R-2 zone. The Planning Commission will review this Zone Change
22 though the RZ2000-0003 application during a public hearing. This Zone
23 Change application will be reviewed in conjunction with RZ2000-0001
24 Beard Court Rezone, RZ2000-0002 Haggen Store Zone Change, and
25 CUP2000-0003 Sexton Mountain Village CUP (PUD). A condition to the
26 approval of all three Zone Changes and the CUP would be if one application
27 were to be denied, then the denial of that application would prevent the
28 approval of the other applications.

29
30 3. **CUP 2000-0003: THE SEXTON MOUNTAIN VILLAGE PROJECT/**
31 **SEXTON MOUNTAIN VILLAGE CONDITIONAL USE PERMIT**
32 **(PUD):**

33 Request for Conditional Use Permit (CUP) approval for the Sexton Mountain
34 Village Planned Unit Development (PUD). The CUP will review the
35 development of the grocery store and townhomes as one planned
36 development. Additionally, the applicant is requesting the height of a portion
37 of the grocery store to approximately 43 feet, exceeding the 35-feet allowed in
38 the CS zone. The Planning Commission will review this PUD though the
39 CUP2000-0003 application during a public hearing. This CUP application
40 will be reviewed in conjunction with RZ2000-0001 Beard Court Rezone,
41 RZ2000-0002 Haggen Store Zone Change, and RZ2000-0003 Sexton Place
42 Townhomes Zone Change. A condition to the approval of all three Zone
43 Changes and the CUP would be if one application were to be denied, then the
44 denial of that application would prevent the approval of the other applications.

1 4. **CUP 2000-0002: THE SEXTON MOUNTAIN VILLAGE PROJECT/**
2 **HAGGEN STORE 24-HOUR OPERATION CONDITIONAL USE**
3 **PERMIT:**

4 Request for Conditional Use Permit (CUP) approval to operate the proposed
5 grocery store 24 hours a day. Uses that operate in the CS zone between 10:00
6 p.m. and 7:00 a.m. require a CUP. The Planning Commission, during a public
7 hearing, will review the hours of operation through the CUP2000-0002
8 application.

9
10 Chairman Maks requested that individuals who testify limit their testimony to
11 issues relevant to the applicable criteria, not discuss prior decisions and
12 attempt to avoid redundant and duplicative testimony.

13
14 **PUBLIC TESTIMONY:**

15
16 **ANDREW RAPP**, 9051 SW 149TH Avenue, Beaverton, OR 97007,
17 representing 10 individuals who signed a petition authorizing him to speak on
18 their behalf, distributed handouts supporting their opposition to the Beard
19 Court Rezone. He discussed opposition of this application, expressing his
20 opinion that the City has not fulfilled their obligation to impartially analyze
21 and provide all information available in these applications to the Planning
22 Commission allowing them to make an informed and legal decision. Stating
23 that the rezone to R-5 is not appropriate, he urged the Planning Commission to
24 consider the best interests of the citizens of the City of Beaverton and judge
25 each individual application on its own merits without undue influence from
26 unconnected properties in this application. He emphasized that according to
27 *Oregonians in Action*, who challenged and defeated the City of Tigard at the
28 Supreme Court, the Commission can not consider any application or
29 information other than what is before them.

30
31 Observing that the Planning Commission had rejected this particular
32 application by a four to three vote in June 1998, Mr. Rapp noted that five
33 criteria of Section 8 of Ordinance 1800 were not met. He cited these five
34 criteria, as follows:

- 35
36 1) Demonstrate public need to be satisfied by the amendment as compared
37 with other available properties, the Metro Functional Plan targets an
38 additional 6,745 single-family units and 9,445 multi-family units in
39 Beaverton by 2017. There are very few undeveloped multi-lots available
40 in Beaverton compared to available single-family lots. The Leland Study
41 demonstrates the need for residential use in this area. Correlation with
42 Beaverton's quest to meet targeted living units, the best use for this land
43 would not be for R-5 zoning, but R-2 low-cost housing. In a discussion
44 with the City of Beaverton's Senior Planner Barbara Fryer she had
45 confirmed his opinion that the land that meets the multi-family criteria
46 should be converted into higher densities in R-5.

- 1 2) Impact on surrounding areas, public facilities and services, the
2 environment and the general economy. He noted that the Staff Report
3 indicates that future R-5 housing would be more compatible with the
4 Beacon Hill subdivision, pointing out that this subdivision only adjoins
5 this subdivision on 24% of its border, 12% of the border adjoins the
6 remaining NS zoning and 64% of the border is surrounded by R-2
7 subdivisions. He stated that staff does not acknowledge the
8 incompatibility of R-5 zoning with the remaining R-2 and NS zoning.
- 9 3) Consistency with the Comprehensive Plan provisions, which states that
10 future development and local development standards should recognize and
11 respect the character of established areas. Optimum flexibility in
12 development should be encouraged in undeveloped areas. The area
13 around Beard Court and 155th Avenue has been established by the City of
14 Beaverton as multi-family center. He referred to a chart, indicating the
15 multi-family and NS zoning existing in that area. He observed that
16 creating R-5 zoning in Beard Court is inconsistent with the established and
17 future R-2 adjacent to the north on 155th Avenue. He referred to a
18 different chart, illustrating where Beard Court now matches the remainder
19 of the subdivision. In residential areas of criterion 3, Beaverton's
20 Objective 6 appropriates areas should be designated for various residential
21 densities to provide a maximum range of choice with properly related
22 amenities and facilities. Staff feels that the proposed R-5 zoning is more
23 consistent with the 24% border of existing R-5 zoning than the 64% of
24 existing R-2 zoning. Staff does not acknowledge the R-2 inconsistency.
25 Beaverton is consistently located multi-family housing in close proximity
26 to NS zoning. Of the five NS zoning not located at the borders of
27 Beaverton, none of greater than 25% made up of R-5 zoning. Since the
28 NS zoning still exists to the east, R-5 zoning would not be appropriate or
29 consistent. Objective 11 – Various residential uses should be protected
30 from the intrusion of incompatible uses in order to preserve and stabilize
31 values of the character of the area. The City stated in their previous Staff
32 Report in August 1997 that "the reduction in the amount of existing NS
33 zoning will reduce potential incompatibility with existing residential
34 development". One must conclude that this incompatibility referred to by
35 the City is with the existing R-5 zoning. He noted that a current Staff
36 Report points out the need for what is referred to as "Transitional Zoning".
37 Policy C – Residential development should be coordinated with other land
38 use elements, community facilities that are consistent with projected
39 housing densities. Staff had presented an argument by calculating the total
40 number of housing units in Beard Court and Sexton Mountain Village
41 Townhomes. Staff calculated the potential number of total housing units
42 that could be built remains unchanged. He pointed out that he does not
43 see the Sexton Mountain Village Townhomes application within this
44 particular application, adding that whatever is being proposed is not
45 contained within the boundaries of this application and is irrelevant and
46 immaterial. The proposed R-5 zoning would be incompatible with

existing development in this area, including the non-intensive service and educational uses existing within the remaining commercially designated area. Policy I – Multi-family developments should be encouraged and integrated where appropriate. This application does not promote any multi-family development in this appropriate site. Policy K – Residential opportunities should be increased to take greater advantage of the proximity to urban services. A previous Staff Report in August 1997 had stated, as follows: “If, however, the City believes that balancing the increase of residential opportunities and the preservation of the stability of single-family neighborhoods, that higher density zoning on 155th Avenue and Beard Road is most appropriate, the applicant would accept such a change in the application.” Criteria 3 -- Commercial Land Uses – Commercial facilities should be allocated in reasonable amount in a planned relationship to the people they will serve. Criteria 2.4 – Within the general economy, R-5 zoning will violate this objective. The conversion of the properties will have a direct negative impact to the future viability of the remaining NS zoning on Beard and Turquoise.

- 4) Compliance with Conservation Development Commission Goals and Guidelines. Goal 9 – Economic Development – to provide adequate opportunities throughout the State for a variety of economic activities vital to the health, prosperity and welfare of Oregon citizens. Criteria 2 – General Economy – The value of the remaining NS zoning on 155th Avenue will be jeopardized due to its lack of adequate size to draw sustaining business. Criteria 6 – Coordination and consistency with goals and development plans of affected state, regional and local jurisdictions. Under the Metro Functional Plan, the staff indicates that it makes the standard density residential a medium density residential for the undeveloped 155th Avenue and Beard Road area appropriate to achieve a mix of housing types and will provide compatibility with existing single multi-family development that adjoins the properties. Staff does not address future potential problems for development of R-2 located to the north of the application, and if Beard Court is rezoned R-5, it will not only create an isolated small R-2 development north of the application, but the development itself will become isolated from other R-5 developments, with the exception of Beacon Hill Subdivision which only constitutes 24% of its border. He emphasized that this application would create spot zoning. Staff also does not address how the conversion from NS to R-5 zoning is consistent with Beaverton’s Comprehensive Plan. NS zoning on 155th Avenue and Beard Road is the correct zoning, and there is controlling legal authority justifying this position. If the City of Beaverton allowed the development of dentist office and day care center, this will confirm the City’s position that the NS zoning belonged at this particular intersection. The rezoning of NS will be a violation of Ord. 3975. He referred to the spot zoning that would occur with the existing NS and R-2 on his chart. Criteria 7 – Public costs and benefits associated with this amendment – there are several economic detriments with this application.

1 The loss of commercial development will result in the loss of future long-
2 term retail jobs and loss of additional shopping and commercial services in
3 the adjacent neighborhood. Development of R-5 is compared to R-2 or
4 commercial development, and will result in the loss of impact fees and
5 property taxes to the City of Beaverton. Criteria 8 – Effect on the quality
6 of life – those persons directly impacted by the change – residents who
7 live within walking distance of 155th Avenue and Beard Road would
8 receive a negative impact on the quality of life. They will no longer be
9 able to have the future ability to access the services that would have been
10 available if NS zoning was developed. The owners of the nearby R-2
11 multi-family structures in the future will no longer have the potential draw
12 of convenient services within walking distance of their development as an
13 asset to draw new residents.
14

15 Mr. Rapp recommended that the Planning Commission not approve RZ 2000-
16 0001 – Beard Court Rezone. He urged that they analyze this property and the
17 surrounding area from a different perspective. He emphasized that good
18 planning provides that no matter how things are arranged, all of these
19 elements belong. He suggested that the Commissioners imagine Beard Court
20 subdivision in existence with no other R-2 or NS development or zoning
21 around this intersection, asking if they would be as willing to locate R-2
22 zoning to the northwest, the southwest and south. He questioned whether they
23 would be willing to locate a small one-acre strip of NS zoning to the east. He
24 stressed that NS zoning of such small size makes no sense at all and violates a
25 City ordinance in regards to minimum size. He requested clarification of why
26 they would create such a small spot zone of R-2, surrounded on three sides by
27 R-5 zoning. He expressed his opinion that if the entire parcel were rezoned,
28 R-2 is the only zoning that is appropriate. It does not create any conflicts or
29 inconsistencies with the way the City has zoned the area in the past and
30 provides the only way to protect the viability of existing NS zoning.
31

32 Mr. Rapp questioned whether the application has ever received an application,
33 not to mention seven applications that do not include a single correction or
34 objection from staff. He mentioned that several former Planning Commission
35 members had indicated that they had never seen such a perfect application.
36 He pointed out that whether or not the applications are approved, should the
37 staff ever become an advocate for the applicant. He urged that any
38 Commissioners who believe this may have happened reject the reports from
39 staff, expressing his opinion that staff has not provided the Planning
40 Commission with all relevant information to make an informed decision. He
41 stated that he has two relevant pieces of information regarding the Cobb Rock
42 Quarry, referring to previous testimony from 1997. He recalled that in a
43 conversation he had with Lyle Cobb, the lessor of the Murray
44 Boulevard/Beard Road site, Mr. Cobb had informed him vehemently that the
45 quarry was excavated to a depth of 250 feet. He emphasized that the applicant
46 has not challenged this information. He referred to a correspondence from the

1 Department of Environmental Quality, in which he had been notified of a
2 DEQ cleanup site where the reservoir is located to the north. A City of
3 Beaverton engineer had informed him that in 1993, the City had spent
4 \$120,000 cleaning up this contaminated site left over by Cobb Rock. He
5 commented that records of this ECSI Site No. 1512 are available with DEQ's
6 Northwest Information, adding that the City of Beaverton is aware of this
7 relevant information which should be made available to the Planning
8 Commissioners. He presented an illustration illustrating the old landfill.

9
10 Commissioner Heckman mentioned the Comprehensive Plan for 155th Avenue
11 and Beard Court.

12
13 Mr. Rapp pointed out that while the current zone is NS, the Comprehensive
14 Plan provides for Residential Medium – Residential Standard zoning, adding
15 that there is a current application for an R-5 rezone which does not provide
16 that the Planning Commission has to accept the R-5 rezone proposal from the
17 City Council if it does not meet all nine criteria in the Comprehensive Plan.
18 On question, he advised Commissioner Heckman that while he is aware of the
19 action of the City Council, it is the responsibility of the Planning Commission
20 to ratify this action.

21
22 Chairman Maks called members of the Rezone Committee -- Steve Sanders,
23 Jane Athanasakos, Allison Burgett, Jim Anderson and Margaret Barrett, to
24 testify on the applications.

25
26 **JANE ATHANASAKOS**, 8845 SW 155TH Avenue, Beaverton, OR 97007,
27 stated that while she is a member of the Rezone Committee, a member of the
28 Sexton Mountain NAC Board and President of the Mom's Club of Beaverton,
29 she is representing only herself in regard to this Public Hearing. She
30 discussed compliance with the Comprehensive Plan under criteria for both a
31 Rezone and a Conditional Use Permit. She expressed her opinion that these
32 applications provide a unique opportunity for both the neighborhood and the
33 City of Beaverton. This application is the product of countless hours of
34 negotiations, compromises and design revisions, at the level of the
35 neighborhood developer, rather than the Planning Commission. She noted
36 that Haggen had proposed and developed the innovative enclosed loading
37 dock and heavy west side landscape screening due to the concerns of the
38 closest neighbors, adding that similar compromises had been implemented at
39 the Beard Court site. She discussed the diligence that has gone into the
40 preparation of these seven applications, expressing her opinion that everyone
41 will benefit from the 24-hour store, which is needed in the neighborhood, as
42 well as the enclosed loading dock which hinges upon the 24-hour operation.
43 She discussed an added benefit of these applications and subsequent
44 neighborhood meetings has been a more connected, rather than divided,
45 neighborhood. She added that she now has a friendly and civil relationship
46 with other neighbors with different opinions on these issues and that without

1 this project, it is likely that she would not even be acquainted with these
2 neighbors. She pointed out the unique integration of the three projects within
3 these seven applications, noting that if successful, the neighborhood will gain
4 not only a top-notch business establishment but will also enhance the already-
5 developed portion of the neighborhood with a higher-density, yet compatible,
6 single-family residential development at Beard Court. She expressed her
7 opinion that single-family residential is the only sensible density this close to
8 the school, adding that denial would be a blow to all of those who have
9 worked so hard and for so long to initiate this positive change for the
10 neighborhood, and that the reality of the alternatives is frightening. The
11 properties would all revert to their original zonings, and the current owners
12 have all indicated that they would sell as quickly as possible under those
13 conditions. The chances of all four parcels being sold to cooperative,
14 compromising and accommodating buyers are extremely remote, resulting in a
15 mish-mash of shoddy commercial in the interior, and due to Metro's density
16 requirements along the corridors, a high-density, high-decibel multi-family
17 apartment complex along Murray Boulevard without the accustomed
18 mitigation. She expressed her opinion that this would be ugly and undesirable
19 and harmful to property values, adding that the result would be a lose/lose
20 situation. She emphasized that the applications comply with an already
21 approved Comprehensive Plan and should serve as a model for
22 citizen/developer cooperation, adding that full approval of all applications
23 should be granted. She expressed her appreciation for the opportunity to
24 express her views on this issue that is of great importance to her.

25
26 **ALLISON BURGETT**, 15235 SW Emerald Street, Beaverton, OR 97007,
27 pointed out that her testimony pertains to the rezone criteria. She explained
28 that approximately four years ago, a coworker who lives at the corner of
29 Murray Boulevard and Brockman on Yearling had shown her a flyer that had
30 been distributed by Haggen Stores informing local residents of their intention
31 of locating a new grocery store at the corner of Murray Boulevard and Beard
32 Road. Being the primary grocery shoppers in their families, they had both
33 discussed how wonderful it would be to have this beautiful new store near
34 their homes. They had also discussed their mutual dissatisfaction with their
35 current options for grocery shopping and the various problems with these
36 stores, including inadequate parking, dangerous parking lot entrances and
37 exits, long lines, limited selection and outdated facilities. Four years later the
38 conditions they had discussed are the same or worse. Observing that the new
39 Albertson's on Scholl's Ferry Road involves too much travel time and has no
40 direct route to the Sexton Mountain area, she commented that in her
41 immediate neighborhood, she is limited to Thriftway, Safeway, Howards, and
42 two Albertsons. She mentioned that two of these options have dangerous
43 ingress and egress, two involve too much travel time, two are not reasonably
44 priced, three are small, three are outdated and four generally have long lines
45 during her regular shopping time.
46

1 Observing that there has been significant residential development in
2 Southwest Beaverton in recent years, Ms. Burgett emphasized the necessity of
3 adequate up-to-date services for the neighborhood. She emphasized that her
4 neighbors and her need another grocery shopping option, offering better
5 services, location and facilities. She noted that they truly want Haggen Store,
6 which they feel that this store would satisfy and meet all of their needs,
7 including child care, FTD full-floral, fresh seafood, fresh from scratch bakery,
8 garden center, Starbucks, parcel pickup, extensive food court, dry cleaners,
9 pharmacy, great quality, selection, reasonable pricing and hopefully 24-hour
10 service. These conveniences would have significant value to her and the
11 neighborhood. She expressed her opinion that Haggen has gone above and
12 beyond what should be expected in their attempt to mitigate impact and
13 improve the overall quality of the neighborhood with the Beard Court
14 development. She pointed out that they had also committed to a promise to
15 meet with any residents who wish to remain involved or contribute their input
16 for four years. Pointing out the inevitability of the future development of
17 these properties, she urged consideration of this incredible opportunity to
18 develop these parcels in the best interest of the entire neighborhood and
19 requested approval of the Haggen application and the associated rezone.
20

21 **MARGARET BARRETT**, 8760 SW Turquoise Loop, Beaverton, OR
22 97007, stated that she is a member of the Rezone Committee and the Sexton
23 Mountain NAC, although her testimony at this time is on behalf of her
24 husband, Peter, and herself. She noted that her testimony involves the criteria
25 for a Conditional Use Permit, adding that while the ideas presented tonight are
26 not unique, as a community, we are being provided with a unique opportunity.
27 She mentioned the diligence with which the Haggen/Polygon Companies has
28 worked with the neighborhood over a period of 3-1/2 years to help implement
29 beautiful amenities and homes for our benefits as well as to meet other needs.
30 She expressed her disappointment in the number of parking spaces, adding
31 that this is not in the best interest of the public. Observing that the
32 neighborhood is expanding, she pointed out that with more homes and
33 apartments in the area, people will not use public transportation. People will
34 use car for grocery shopping for both safety and convenience, and will need to
35 park. People with children will not want to juggle children and bags of
36 groceries on the bus, and elderly people will find public transportation
37 difficult while shopping for groceries. Working people generally shop at busy
38 times, after work and on weekends, and also need sufficient and abundant
39 parking. Public transportation is good for work purposes, but not for grocery
40 shopping. She expressed her opinion that the Haggen Store should be
41 permitted to operate on a 24-hour basis, noting that it is sometimes critical for
42 people to have medication and other necessities available to them at odd
43 hours. She described a recent situation in which a member of the Rezone
44 Committee had been unable to obtain necessary medication for a child during
45 the night, noting that even Rite-Aid had been closed, and the child had to wait
46 until morning for this medication. She expressed her opinion that this could

1 have been avoided with the 24-hour convenience of Haggen Store. She
2 discussed the numerous elderly residents in the area, adding that often their
3 caregivers only have the opportunity to shop for supplies, food and medication
4 for these elderly people at odd hours. She discussed doctors, nurses and
5 firemen, policemen, janitors, as well as many others, who work long or
6 irregular hours, who may need the 24-hour shopping convenience. She noted
7 that Police reports indicate that 24-hour operations have a tendency to
8 decrease any mischief or crime that may occur in a closed store or unattended
9 parking area. On behalf of the Rezone Committee, she urged that the
10 Planning Commission approve the 24-hour operation application for Haggen
11 Store.

12
13 **FLOYD HARRINGTON**, 15607 SW Hearth Court, Beaverton, OR 97007,
14 distributed copies of the Haggen Neighborhood Concerns Mitigation Matrix
15 for review and stated that he is a member of the Rezone Committee and the
16 Sexton Mountain NAC. Observing that he is representing the Rezone
17 Committee and himself, he explained that NAC policy provides that they take
18 no position on this issue and that he is not acting in any capacity as a member
19 of the Sexton Mountain NAC at this time. He mentioned that he intends to
20 discuss the criteria for the Conditional Use Permit, adding that he may also
21 discuss the criteria for the Rezone. Observing that he has education and
22 experience in the field of Civil Engineering, he noted that this has been
23 beneficial in the interpretation of the technical aspects of this project. He
24 mentioned the public meetings he had attended regarding these projects,
25 noting that there had been concerns with noise, lighting, visual aesthetics,
26 traffic and store location. He explained the Haggen Neighborhood concerns
27 Mitigation Matrix that he had distributed, observing that every X designates a
28 positive impact due to the proposed mitigation. He observed that last night's
29 testimony had eliminated the necessity of a great deal of redundant testimony,
30 adding that the proposed location of the store will create a less imposing
31 appearance. The size of Sexton Mountain will create the illusion that the store
32 is smaller than it actually is, adding that the proposed site for the store is the
33 only location on the site where the store can be placed on previously
34 undisturbed soil. The remainder of the site includes deposits of fill material,
35 ranging from possibly 70 feet to 200 feet, and because of this fill, it is unlikely
36 that no residential homes would ever be located on this particular property. It
37 is unlikely that a developer would want to take on the cost and liability of
38 mitigating this fill. Emphasizing the extraordinary efforts of the applicant, he
39 urged the Planning Commission to approve the application, in its entirety.
40

41 **STEVE SANDERS**, 15220 SW Emerald Street, Beaverton, OR 97007,
42 stated that he is a member of the Rezone Committee and the Sexton Mountain
43 NAC, adding that he is representing himself and the Rezone Committee on
44 this issue. He noted that he intends to address the rezone criteria, including
45 conformance with the Comprehensive Plan. He observed that the City's vote
46 to approve the Comprehensive Plan Amendment had resulted in the

1 Beard/155th parcels now having a standard density residential designation. He
2 pointed out that the Beard Court Development Plan submitted by Polygon
3 Northwest proposes a project that exceeds Metro's density requirements for
4 the neighborhood interior by providing significantly higher density than the
5 existing and abutting single family homes in the neighborhood. He
6 emphasized the strong neighborhood need and desire for single family homes
7 in the Beard Court location. Recent multi-family development in the
8 immediate area indicates to residents that Beard Court would put less pressure
9 on overcrowding in schools and provide a safer place for children to commute
10 and play, which clearly indicates that the R-5 zoning designation is extremely
11 appropriate. Since the initial plans presented to the neighborhood by Polygon
12 Northwest in 1997 and 1998, there have been significant changes, trade-offs
13 and compromises, including the discovery of a multi-acre wetland area, which
14 resulted in a revised design for the development.

15
16 Mr. Sanders commented that Beard Court provides the neighborhood with the
17 following: 1) single-family homes, 2-story craftsman style on lot sizes of
18 uniform width of 50 feet to maintain visual integrity with the neighborhood;
19 2) fencing and planting along Beard Road and 155th Avenue that will blend
20 with the existing landscape; 3) a tree preservation plan to maintain a minimum
21 of 85% of 100 plus mature and established trees located along Beard Road, all
22 of which conforms with applicable criteria; 4) a wetland area that would be
23 planted with a large combination of plants, deciduous and conifer trees; 5)
24 adequate screening for the adjacent neighbors, including a 25 foot common
25 area with plantings, deciduous and conifer trees twelve to fifteen feet high;
26 and 6) street lighting in closer proximity with the existing single-family
27 homes would be minimized. He emphasized that this design is in deep
28 contrast with what would occur if this single-family development did not take
29 place. He discussed the criteria for the Tree Preservation Plan, pointing out
30 that unless they pose a safety hazard or are diseased and need to be removed,
31 the trees along Beard Road will remain. He noted that Polygon Northwest
32 will have an arborist come out to determine the condition of the trees prior to
33 and following construction.

34
35 Mr. Sanders advised that Polygon Northwest and various residents involved in
36 the negotiations have signed a letter addressed to the Planning Commission
37 requesting that identified development provisions be accepted by the City of
38 Beaverton as conditions of approval. He described these provisions which
39 include general provisions for design, construction and maintenance as well as
40 construction period activities, adding that these provisions impact the greater
41 neighborhood. He emphasized that Beard Court is an integral component of
42 the Haggen/Polygon application uniquely suited for these land parcels.

43 Mr. Sanders focussed on Sexton Mountain Village, he observed that the
44 Comprehensive Plan Amendment also calls for a medium density residential
45 designation at Murray Boulevard and Beard Road. He pointed out that the
46 Sexton Place Townhome Development would provide 94 multi-family

1 residences in 2-story facilities, which will incorporate well into an R-2 multi-
2 family zoning designation complimenting the proposed Haggen Store to the
3 north. He described Beard Court and Sexton Place as important components
4 of Haggen and Polygon's integrated applications, urging that all of these
5 applications be approved in their entirety.

6
7 **JIM ANDERSON**, 9196 SW 149th Avenue, Beaverton, OR 97007, observed
8 that his property abuts the proposed the Sexton Mountain Village Project. He
9 mentioned that he is a member of the Rezone Committee and the Sexton
10 Mountain NAC, although his NAC takes no position on this issue. On behalf
11 of himself and the Rezone Committee, he expressed his support of the
12 Haggen/Polygon Northwest applications, emphasizing that for various
13 reasons, the neighborhood needs the availability of this store on a 24-hour
14 basis. Noting that the expanded parking is necessary, he stated that most
15 customers do not use public transit to go grocery shopping. He expressed his
16 opinion that both the Beard Court and Sexton Mountain projects meet
17 applicable criteria for the necessary rezones. He emphasized that a great deal
18 of the mitigation issues have been worked out between the applicant and the
19 neighborhood and that it is not necessary for city staff to deal with all of these
20 issues. Observing that he has lived in this neighborhood for nearly 27 years,
21 he described the extraordinary changes that have occurred in this area, In
22 1973, the area consisted of fields and horses, and Beard Road was a gravel
23 road with only a few homes; the area now has regional corridors and
24 thousands of neighbors. Recognizing the inevitability of these changes, he
25 stressed the need of the Haggen Store to serve the needs of this area, which
26 has grown so much.

27
28 Commissioner Heckman expressed his appreciation of Ms. Athanasakos'
29 comments, and on question, she informed him she is not aware of any 24-hour
30 pharmacy serving the area and that the nearest is in Raleigh Hills.

31
32 Commissioner Heckman questioned whether St. Vincent Hospital has a retail
33 pharmacy, and Ms. Athanasakos stated that although she doesn't know, that is
34 even further than Raleigh Hills.

35
36 Commissioner Heckman questioned what percentage of the Haggen's Stores
37 needs could be supported by her neighborhood, and Ms. Burgett informed him
38 that because she is not aware of their financial status, she would not even
39 venture to estimate a guess. She added that conversations with neighbors
40 indicate that the majority of the people in the area are looking forward to the
41 store and intend to shop there.

42
43 Commissioner Heckman noted that Ms. Barrett had been concerned with the
44 parking, and on question, she informed him that she is also unaware of any
45 24-hour pharmacy or whether St. Vincent's Hospital has a retail pharmacy.
46 He questioned whether she is satisfied with the staff's recommendation of 367

1 parking spaces, and she informed him that she concurs if that is the amount of
2 spaces originally agreed to.

3
4 Commissioner Heckman pointed out that staff has recommended more than
5 mandated by the code in this particular situation.

6
7 Mr. Sanders commented that the Rezone Committee supports the proposed
8 367 parking spaces.

9
10 Commissioner Heckman questioned whether the proposed 367 parking spaces
11 would be adequate during the heaviest shopping season of the year.

12
13 Observing that he assumes that the holiday shopping during Christmas and
14 Thanksgiving, as well as weekends, would be the heaviest shopping days, Mr.
15 Sanders indicated that while the ratio for such a grocery store is five to one,
16 while this proposal provides for a ratio of six to one. Noting that this
17 particular store is unique in that it is a stand-alone entity, he stated that it
18 provides a full-service store in which shoppers might spend a greater amount
19 of time than they would otherwise spend in a grocery store.

20
21 Commissioner Heckman requested clarification of whether the proposed 367
22 spaces will be sufficient, and Mr. Sanders advised him that this is far more
23 adequate than the amount provided in the ordinance and that he is in support.

24
25 Commissioner Heckman questioned Mr. Harrington's comment indicating
26 that the applicant may return at a later time and submit an application for a
27 variance, requesting clarification of what this variance might represent.

28
29 Mr. Harrington commented that if the 24-hour operation is not approved it is
30 very likely that Haggens would return and request a variance at a later date for
31 this 24-hour operation. He pointed out if the 24-hour operation is not
32 approved and the enclosed loading dock included at this time, it may be
33 difficult to force the applicant to add this amenity at a later time.

34
35 Referring to Mr. Anderson's comments regarding the developer's generosity,
36 Commissioner Heckman questioned why this developer wants to give away
37 money.

38
39 Mr. Anderson expressed his opinion that while the developer does not actually
40 wish to give away this money, he does have a willingness to assume financial
41 responsibilities to meet the needs, concerns and issues relating to the
42 neighborhood and developments.

43
44 Chairman Maks questioned whether the 24-hour operation would include a
45 24-hour pharmacy, and Ms. Athanasakos stated that Mr. Henley had indicated
46 that this is their intent at this store. Chairman Maks noted that it had been his

1 understanding that the applicant intends to offer a 24-hour pharmacy at
2 another location on a trial basis.

3
4 Chairman Maks referred to police reports that Ms. Barrett had referred to
5 which allegedly indicate that a 24-hour operation provides for greater safety
6 and less crime. She apologized for not having these reports available at this
7 time, indicating that she had gained this impression from presentations by the
8 Police Department at the NAC meetings.

9
10 Chairman Maks requested clarification, noting that gaining an impression is
11 not the equivalent of an actual documented police report.

12
13 Ms. Barrett advised Chairman Maks that she is certain that she could obtain
14 information from the Police Department that would substantiate her opinion.

15
16 Advising Mr. Sanders that since 2501 had passed through legislation, schools
17 are not a relevant issue in these applications, Chairman Maks requested
18 clarification of who had actually indicated that Beard Court would create less
19 pressure on the school system.

20
21 Mr. Sanders informed Chairman Maks that this opinion of the neighbors is
22 actually in comparison to a more intensive residential development at that
23 location.

24
25 Chairman Maks informed Mr. Sanders that verification with the school district
26 is necessary to obtain accurate and official information of this nature.

27
28 Commissioner Johansen commended Mr. Harrington for his integrity and
29 credibility in retaining his neutral position as a member of his NAC.

30
31 On question, Mr. Sanders informed Commissioner Johansen that while he
32 does like the proposed development and the R-5 zoning, his concerns with
33 screening involve mostly privacy as well as some appearance issues.

34
35 Commissioner Bode requested clarification from Ms. Barrett regarding
36 security with a 24-hour operation, specifically whether she is under the
37 impression that the parking lot would be monitored for security throughout the
38 24-hour operation. Ms. Barrett indicated that this is her understanding of the
39 situation.

40
41 Commissioner Bode commented that she would require some clarification of
42 this issue, adding that 24-hour security had not been her understanding. She
43 added that she would also require some clarification of the issue regarding a
44 24-hour pharmacy.

45

1 Ms. Athanasakos informed Commissioner Bode that her understanding is that
2 a 24-hour pharmacy would be included in the 24-hour operation.

3
4 Chairman Maks expressed his appreciation to Mr. Sanders and the Rezone
5 Committee for their testimony, adding that they had been well organized and
6 prepared to discuss the applicable criteria and that their input had been very
7 much appreciated.

8
9 On behalf of the Rezone Committee, Mr. Sanders expressed appreciation for
10 the opportunity to testify regarding these applications.

11
12 8:05 -- 8:15 break.

13
14 **MARK JOHN HOLADY**, 9000 SW 149th Avenue, Beaverton, OR 97007,
15 Secretary of the Neighbors for Livability (NFL), introduced members of his
16 organization and clarified that they are present to promote the integrity of
17 planning, adding that they represent responsible planning in accord with long-
18 term objectives. He mentioned that while the members of the NFL have an
19 understanding of the time constraints associated with the 120-day rule, they
20 object to hearing all seven applications at once. He expressed his opinion that
21 it is difficult for both the Commissioners and the public to review and
22 interpret the criteria and apply them to each individual application. He
23 observed that five minutes is insufficient time for the public to comment on all
24 seven applications, particularly with 348 criteria to consider. He raised the
25 objection that when the NFL had attended a previous public hearing regarding
26 expedited Comprehensive Plan Amendment, the nature of the application had
27 precluded them from submitting any testimony regarding a grocery store,
28 adding that they are now dealing with City Council findings requiring the
29 construction of a grocery store. He referred to an error in his letter of May 5,
30 2000, to the Planning Commission, noting that he had equated the number of
31 trips to be roughly equivalent to the number of people in the Sexton Mountain
32 NAC area. He pointed out that this is actually the number of people receiving
33 an agenda for the Sexton Mountain Board Meetings, adding that the actual
34 number of people residing in the area is greater.

35
36 **MARY PETERSON**, 9148 SW 149th Avenue, Beaverton, OR 97007, Vice-
37 President of the NFL, addressed the existing traffic study submitted first in
38 June 1997 and updated December 6, 1999 by Kittelson & Associates in regard
39 to volume traffic to capacity level of service of the proposed development to
40 be located at the intersection of Murray Boulevard, Beard Road and
41 Brockman. She mentioned traffic flow through and around the proposed
42 commercial and residential development at this same intersection.

43
44 Ms. Peterson referred to Comprehensive Plan Policy 6.2.4, noting that the first
45 point of interest is the peak hour selection from 4:00 p.m. to 6:00 p.m.
46 weekdays, which appears to have been selected based on reference material

1 citing criteria dating from 1987 through 1994 and is further called down to a
2 fifteen minute period within that time. This assumes that the majority of
3 traffic has passed through this intersection by 6:00 p.m. She pointed out that
4 the predominant population in this area are professional individuals whose
5 homeward bound travel pattern would occur beyond the 6:00 p.m. hour. She
6 emphasized that many of these professional salaried individuals do not even
7 leave their place of employment prior to 6:00 p.m. and many of these same
8 people make their grocery stops on their way home. Utilizing this time frame
9 of 4:00 p.m. to 6:00 p.m. for a study may have easily provided faulty
10 statistical data. She reported that Dave Leland who provided information for
11 the grocery study had confirmed that approximately 70% of grocery shopping
12 occurs after 5:30 p.m. Anyone doing their shopping even as early as 5:30
13 p.m. would have to complete their shopping and travel through this area in 30
14 minutes to be included in that 4:00 p.m. to 6:00 p.m. time frame. Observing
15 that work and travel patterns for most of our population has changed over the
16 past six to thirteen years, she commented that a more realistic peak hour
17 traffic evaluation might be 5:30 p.m. to 7:30 p.m.
18

19 Ms. Peterson noted that the study also fails to evaluate the critical criteria of
20 weekend peak travel times, and the City of Beaverton is already experiencing
21 gridlock during weekend peak travel time. She pointed out that the study also
22 does not evaluate peak travel work day a.m. travel, adding that this morning
23 traffic poses as significant or greater impact on traffic flow as the p.m. peak
24 period. Without including these periods of time, this traffic study is not
25 thorough or complete. She observed that the report cites the
26 Murray/Beard/Brockman intersection after development at a level of service
27 of "D", which is the lowest rating acceptable by Washington County during
28 the peak hour traffic study, at a 98% or an 86% volume capacity ratio,
29 including mitigation. She pointed out that this 86% volume capacity ratio is
30 based upon intended mitigation of a protected east/west left turn lane and
31 southbound right turn lane. These east/west protected turn lanes were in place
32 at the time of the updated study, and if the mitigation were already in place for
33 these protected turn lanes, the volume capacity ratio should be nearer the 98%
34 ratio. This indicates that the intersection will be at a critical level of volume
35 to capacity ratio, with a service level rating that borders on unacceptable by
36 Washington County standards. All of this, of course, is based upon peak p.m.
37 traffic levels, with no evaluation of peak a.m. or weekend traffic levels. She
38 referred to the level of service volume capacity ratio during those peak a.m.
39 and weekend levels of traffic. She observed that the report does not address
40 either of those more critical travel times, adding that without this information,
41 the study is neither thorough nor complete.
42

43 Ms. Peterson noted that for the past four years, she has been in the habit of
44 leaving her home at approximately 7:15 a.m. each morning, traveling to work
45 using the same route each day. Her route travels from the intersection at 149th
46 Avenue, left onto Beard Road, to the intersection of Beard Road and Murray

1 Boulevard, turning left on Murray Boulevard down to Allen Boulevard. She
2 mentioned that over the past year she has experienced increased traffic flow
3 on Beard Road eastbound to Murray Boulevard, noting that the eastbound left
4 turn signal at Beard Road onto Murray Boulevard really has helped relieve
5 some of the traffic stacking at this intersection. She stressed that she still
6 waits an average of two turn signal changes to travel through the intersection.
7 If she leave at a later time, between 7:30 a.m. and 7:45 a.m., the stacking at
8 the intersection builds up, to the west, sometimes almost to the intersection of
9 149th Avenue. She emphasized that this is without the additional traffic load
10 that would be generated by 94 townhome residences.

11
12 Ms. Peterson referred to the implication of traffic flow through and around
13 this proposed development, and cited Comprehensive Plan Policy 6.2.1.F.,
14 stating, in examining the planned development layout, it is very difficult to
15 understand how the townhouse residents will possibly exit this area without
16 creating a negative impact. She mentioned that any resident leaving the
17 complex to travel north on Boulevard will have to either exit onto Beard Road
18 via an eastbound left turn and then left through the intersection of Beard Road
19 and Murray Boulevard, or utilize the proposed public access road traveling
20 north, forcing them to drive directly in front of the grocery store, through the
21 intersection of the public access road and Murray Boulevard, turning left at
22 Murray/Maverick. This will further impact the already increasing stacking
23 problem at the intersection of Murray/Beard/Brockman, particularly during
24 peak travel hours, a.m., p.m., or weekend. She expressed her opinion that
25 during peak a.m. or weekend hours, this route seems nearly impossible,
26 forcing a resident to travel to the Maverick/Murray intersection, creating an
27 impact for pedestrian traffic (people leaving and returning to their cars,
28 crossing this area) entering and leaving the grocery store.

29
30 Ms. Peterson emphasized that the report does not account for the additional
31 impact of the townhouse residents in this area. She expressed concern with
32 delivery trucks within the site, citing Comprehensive Plan Policy 6.3.3.I,
33 which states that big rig delivery trucks can not negotiate or navigate the bend
34 on the public access road southbound to Beard Road. She questioned how
35 these trucks would access Murray Boulevard heading northbound, expressing
36 her opinion that they might need to cut in front of the grocery store across the
37 heavily trafficked pedestrian area to get to the Murray/Maverick signal, or
38 travel southbound and utilize only the right-out access. She expressed her
39 opinion that the drivers will utilize any means of making the southbound bend
40 in the public access road, further impacting potential stacking at the
41 Murray/Beard signal. She observed that the grocery store should have control
42 over their own delivery schedules, although some other vendors will be
43 delivering throughout the day. She questioned why these same vehicles that
44 can negotiate the turns in and out of the delivery area could not make the right
45 turn onto the public access road to access onto Beard Road.

1 Ms. Peterson described Haggen Store as a beautiful, high-end, extremely well
2 marketed grocery chain, with a large area draw appeal. She referred to an
3 estimated 450 peak p.m. hour trips, noting that this is most likely a
4 conservative estimate, particularly considering weekend peak hour trips. She
5 expressed her concern with what the traffic on Murray Boulevard is really
6 going to be like, as well as the impacts of the surrounding intersecting roads
7 of an additional 450 vehicles at peak hours. She emphasized that the entire
8 traffic impact has not been thoroughly evaluated or planned. She commented
9 that the City of Beaverton is struggling with traffic congestion, urging
10 members of the Planning Commission not to add to this congestion.
11

12 **MONICA HOLADY**, 9000 SW 149th Avenue, Beaverton, OR 97007,
13 observed that she is a member of both the NFL and the Sexton Mountain NAC
14 Board, although she is currently representing herself and the NFL. Noting
15 that her testimony relates to Comprehensive Plan Criterias 3 and 8, which
16 deals with the consistency with the Comprehensive Plan provisions and effect
17 on the quality of life of persons directly impacted. She referred to issues
18 relating to CS zoning and 24-hour operation, noting that the NFL does not
19 agree with the applicant's opinion and staff support that the City Council
20 condition on the CPA approval for a grocery store supports the location of CS
21 zoning at Murray Boulevard and Beard Road. She commented that the CPA
22 approval actually supports the redesignation of the parcel in question to a
23 commercial designation as yet to be determined, although CS is not the
24 correct designation to be determined. The NFL acknowledges exceptions
25 cited by staff regarding exceptions to this requirement that have occurred off
26 of the designated corridors and discussed several of these exceptions. She
27 emphasized that none of these exceptions cited consists of an island of
28 commercial development surrounded entirely by residential development,
29 none of these exceptions are an island of commercial development a mile
30 away from intensive commercial use, and none of the exceptions involve an
31 active 24-hour grocery store.
32

33 Ms. Holady pointed out that currently there are 24-hour operations available
34 to this neighborhood within reasonable distance, specifically Winco Foods on
35 Cedar Hills Boulevard, Rite-Aid Pharmacy and Store at Tanasbourne, and
36 Bales Thriftway on Farmington Road. She observed that the Rite-Aid
37 Pharmacy had reduced the 24-hour service due to lack of business and that the
38 Safeway Pharmacy does not exercise their 24-hour option because it is not
39 feasible due to insufficient business. She expressed her opinion that any
40 operation hours for this store must be limited, adding that the majority of any
41 business occurs by 11:30 p.m., making a 24-hour operation at this site
42 unnecessary.
43

44 Mr. Hollady questioned why the applicant had not applied for NS zoning,
45 which would meet their needs as well as those of the nearby residents. He
46 discussed the extended hour situation and requirements for allowing these

1 hours. He pointed out that Haggen Stores is a successful corporation, noting
2 that they are among the top 500 privately owned companies. Emphasizing
3 that situations change, he pointed out that the current library, which is
4 scheduled for replacement when the new one is completed, is located in an old
5 Albertson's Store. He mentioned that while it may not be an "adult fantasy"
6 type, the Haggen Store may later add a video store, or some other use, adding
7 that once the Conditional Use Permit is granted, the Planning Commission
8 relinquishes a great deal of their control. On behalf of the NFL, he urged the
9 Commissioners to protect the neighborhood and ensure that no other big block
10 store locates there. He expressed his opinion that the applicant has not made
11 the same efforts with the neighbors of the Sexton Mountain Village Project as
12 they have with those of Beard Court, who receive a buffer, screening,
13 wetlands and fences. The residents of 149th Avenue, who do not support the
14 applications, will receive far fewer amenities, and the proposed berming is
15 more of a mitigation in order to comply with code. He stated that if the
16 grocery store is located as proposed, the residents of 149th Avenue do request
17 a residential buffer. He urged that the Planned Unit Development be
18 conditioned upon reconfiguration of the northern portion of the zone to
19 include a residential buffer.
20

21 On question, Mr. Holady informed Commissioner Johansen that he did intend
22 to request a residential buffer along the western border of the multi-family
23 townhomes on the northern portion of the zone, which is the proposed
24 location of the store.
25

26 Commissioner Heckman referred to page 5 of Mr. Holady's letter dated May
27 24, 2000, specifically a request by the NFL regarding the planned unit
28 development and questioned whether this issue has been discussed with the
29 developer.
30

31 Mr. Holady informed Commissioner Heckman that the developer has had no
32 discussions with them.
33

34 Commissioner Heckman requested clarification of any discussions that may
35 have occurred with the developer, and Ms. Peterson advised him that there
36 had been discussions in the early stages of the proposal. She informed him
37 that the developer had indicated that due to the cost of excavation, locating the
38 store in a different area of the site would be too expensive.
39

40 Commissioner Heckman referred to paragraph 6, page 13 of Mr. Holady's
41 letter of May 24, 2000, observing that some of the stores within the Beaverton
42 area do have a conditional use permit allowing for 24-hour operation.
43

44 Mr. Holady pointed out that while the NFL had located eight stores that are
45 allowed this option, adding that some of these stores operate on extended
46 hours.

1 Commissioner Heckman commented that he wishes this information had been
2 available sooner.

3
4 Mr. Holady explained that some of this information had been distributed the
5 prior evening to allow the Commissioner time for review.

6
7 Commissioner Heckman requested clarification of what would be the correct
8 zoning for this site, rather than CS, and Ms. Holady suggested that NS is
9 designed to serve more appropriately this particular neighborhood, adding that
10 the CS zoning is more likely to draw extra unnecessary traffic in this already
11 highly-congested area.

12
13 Commissioner Heckman commented that an application must meet ALL
14 criteria for a variance.

15
16 Commissioner Heckman requested clarification of Ms. Peterson's
17 recommendation to change the p.m. peak hour of 4:00 p.m. to 6:00 p.m. to a
18 later time of 5:30 p.m. to 7:30 p.m.

19
20 Ms. Peterson informed him that this is correct, adding that her only
21 information is her own personal observations from traveling throughout the
22 area.

23
24 Commissioner Voytilla mentioned testimony of how the applicants have gone
25 beyond normal expectations to address the needs of the community, and
26 questioned specifically what the NFL has done to become involved in this
27 process and what problems still exist that have not been resolved.

28
29 Ms. Peterson addressed this issue, noting that as the longest-term resident of
30 this particular area, she has been involved in negotiations for the development
31 of this property from the very beginning when they became aware of the
32 intent to develop this property. Emphasizing that they had not been
33 approached directly by the applicant, she mentioned that they had received
34 their information through the grapevine, although the applicant had already
35 had meetings with the NAC. Eventually, after requests for information and
36 the opportunity to participate in this issue, a flyer announcing a meeting was
37 distributed, at which time the neighborhood had been very opposed to locating
38 this very large commercial structure right up against their property line.

39
40 Commissioner Voytilla requested that Ms. Peterson focus on criteria on which
41 the Planning Decision must base their decisions.

42
43 Ms. Peterson expressed her concern with the close proximity of the store to
44 the residential area to the west, adding that they are dissatisfied with the
45 mitigation and would like some other type of buffer.

46

1 Emphasizing that this is specific to the Haggen Store facility, Commissioner
2 Voytilla questioned what additional conditions or provisions would satisfy the
3 concerns of these neighbors.

4
5 Ms. Peterson commented that the neighbors would like this store to be moved
6 away from the neighborhood, to the west, closer to Murray Boulevard,
7 suggesting that the store should actually front on Murray Boulevard, with
8 parking to the side and the back.

9
10 Commissioner Voytilla questioned whether Ms. Peterson would prefer a
11 parking lot closer to her residence, rather than a store.

12
13 Ms. Peterson informed Commissioner Voytilla that the neighborhood had
14 requested that the parking lot be nearer their residences as well as mitigation
15 with residential buffering.

16
17 Mr. Holady added that the residents are not opposed to residential
18 development in their area.

19
20 Commissioner Voytilla referred to the 24-hour operation, observing that it had
21 been determined that other locations in the area actually offer these services,
22 on a 24-hour basis, including Bales Thriftway on Farmington Road and the
23 Rite-Aid Pharmacy at Tanasbourne. He requested clarification of how a
24 resident would get to either of these sites.

25
26 Observing that her home is on 149th Avenue, Ms. Hollady advised
27 Commissioner Voytilla that in order to reach Bales Thriftway on Farmington
28 Road, it would be necessary to travel partially through her neighborhood and
29 take 155th Avenue to Hart Road. From Hart Road, she would travel to 170th
30 Avenue, from which she would travel to Farmington Road.

31
32 Commissioner Voytilla questioned whether it is logical to assume that some
33 of her traveling would be through other neighborhoods.

34
35 Ms. Peterson confirmed that this route would bring her through four or five
36 blocks of other neighborhoods, adding that this could be avoided by traveling
37 straight down Murray Boulevard to Farmington Road.

38
39 Commissioner Voytilla stated that all of Beaverton consists of neighborhoods.

40
41 Ms. Peterson agreed that Murray Boulevard is also a neighborhood.

42
43 Commissioner Voytilla expressed his opinion that the applicant is proposing a
44 fairly extensive mitigation for truck deliveries in connection with the 24-hour
45 operation, asking whether Ms. Holady is willing to do without the covered
46 loading area should the 24-hour operation not be approved.

1 Ms. Holady expressed her opinion that the covered loading area is necessary
2 even without a 24-hour operation, adding that she feels there is still some
3 room for compromise with siting and mitigation issues. She noted that
4 although it should be possible to work with the applicant to move the store
5 away from their homes, it is her opinion that negotiations broke down due to
6 unwillingness on the part of the applicant to consider any compromise. She
7 mentioned the applicant's concern with the cost of locating the store at a
8 different location on the site.

9
10 Commissioner Bode requested clarification on the 24-hour operation,
11 specifically what the difference will be between the Haggen Store 24-hour
12 operation and without 24-hour operation.

13
14 Ms. Holady described an uncovered loading dock, noting that she would need
15 to determine if the applicant would proceed without the 24-hour approval.
16 She stated that even without 24-hour operation, there would still be employees
17 in the store and lights would be on during those hours, deliveries would occur
18 throughout the night, and there would be more traffic.

19
20 Agreeing that the lights would be on, the employees would be present and the
21 trucks would make deliveries, Commissioner Bode reminded Ms. Holady that
22 she had asked her what would be different with the 24-hour operation.

23
24 Ms. Holady stated that the difference with the 24-hour operation would be the
25 addition of a covered loading dock.

26
27 Chairman Maks clarified Commissioner Bode's question, specifically the
28 difference regarding negative impact in a 24-hour operation or with limited
29 hours.

30
31 Ms. Holady stated that the greatest issue regarding negative impact involves
32 traffic connected with people using the store throughout the night.

33
34 Commissioner Bode requested clarification of how many more employees
35 will be present at night with a 24-hour operation than with limited hours.

36
37 Ms. Holady observed that she is not certain, but thinks this may involve a
38 couple of cashiers, expressing concern with traffic generated by customers.

39
40 Commissioner Bode noted that she intends to obtain clarification of this from
41 the applicant.

42
43 Commissioner Voytilla questioned the NFL, specifically what type of area
44 and numbers are represented by their membership.
45

1 Mr. Holady informed Commissioner that the NFL consists of 24 members,
2 although they have the support of individuals in the general neighborhoods
3 throughout the area of Murray Boulevard. He pointed out that between 900-
4 1000 signed petitions in support of their position were submitted last year,
5 adding that some of these individuals may have changed their minds by now.

6
7 Chairman Maks questioned the rationale for Mr. Holady's argument in favor
8 of the NS zoning, besides the fact that it is more geared toward neighborhood
9 service, observing that this zoning limits the sizes of commercial uses, other
10 than a grocery store.

11
12 Mr. Holady stated that this is his understanding, adding that it guarantees
13 compliance with the City Council's desire that Haggen is operating a grocery
14 store within that neighborhood, as opposed to Mark Holady's Fleabags.

15
16 Chairman Maks pointed out that the Comprehensive Plan Amendment has
17 been conditioned.

18
19 Mr. Holady noted that it is his understanding that the conditions provide for
20 no limitation on transfer, and Chairman Maks informed him that he
21 understands his concern in this situation.

22
23 Commissioner Heckman questioned where he had obtained the information
24 indicating that some of the members of the Planning Commission opposed to
25 hearing all seven applications concurrently.

26
27 Mr. Holady clarified that he had not intended to indicate that there had been
28 any actual objection on the record, although there was some discussion
29 regarding this process at the meeting on May 10, 2000.

30
31 Commissioner Heckman questioned whether this discussion had actually been
32 on the record.

33
34 Observing that he had assumed that this discussion was included in the record,
35 Mr. Holady stated that if it was a matter off the record, he apologizes,
36 withdraws his comments and requests that they be stricken from the record.

37
38 Commissioner Voytilla referred to page 18 of Mr. Holady's letter, specifically
39 a pro and con big picture listing, and questioned the purpose of this list.

40
41 Mr. Holady observed that he has no actual scientific data to support the
42 information on this list. On question, he informed Commissioner Voytilla that
43 his reference to "absent landowners" stems from the fact that the Haggen
44 family resides in Washington.

45

1 Commissioner Voytilla stated that this is not uncommon, pointing out that gas
2 stations are generally owned by big corporations. He expressed his concern
3 that this information is included in the record and the Commissioners are
4 faced with the responsibility of utilizing this information for evaluation in
5 order to make a decision.

6
7 Mr. Holady pointed out that some of the issues on this list have been
8 discussed at meetings they have attended between the applicant and the
9 neighbors, noting that they had been attempting to determine any negative
10 effects and how these negative effects could be mitigated.

11
12 Referring to the issue of parking lot sweeping during the night, Commissioner
13 Voytilla questioned whether Mr. Holady feels comfortable with the situation
14 following testimony by the noise experts.

15
16 Mr. Holady advised Commissioner Voytilla that he believes there will be
17 testimony later from the public concerning that particular issue.

18
19 Commissioner Voytilla reminded Mr. Holady that he is asking him because he
20 is the one who submitted the list. He referred to Mr. Holady's references to
21 pride in gardening and kids playing in open spaces.

22
23 Mr. Holady commented that the open space he is referring to an area on the
24 subject site, which is currently utilized to some extent as a park.

25
26 Commissioner Voytilla pointed out that this is private property.

27
28 Mr. Holady observed that he understands this and that the situation most
29 likely involves trespassing, adding that it is his understanding that if this area
30 were developed residentially, there would be a greater opportunity for an open
31 play area.

32
33 Commissioner Voytilla commented that the tax paying element remains the
34 same, and the people owning the property will pay the taxes, regardless of
35 whether they live there or not.

36
37 Chairman Maks expressed his appreciation to Mr. Holady and the NFL.

38
39 Observing that individual testimony will be accepted at this time, Chairman
40 Maks noted that he intends to call people up, two at a time, starting with Mr.
41 Gilroy and Mr. Sanders.

42
43 Mr. Sanders observed that he has already testified, although Lisa Sanders has
44 not.

45

1 **LISA SANDERS**, 15220 SW Emerald Street, Beaverton, OR 97007, stated
2 that she is a member of the Sexton Mountain NAC and Vice-President of the
3 Mom's Club of Beaverton. Noting that she is speaking on her own behalf
4 involving the rezone criteria. She mentioned that she has worked with
5 Haggen and Polygon over the last several years and is in strong full support of
6 all three elements of the applications, including Haggen Store, Sexton
7 Mountain Village Townhomes and Beard Court. Referring to Beard Court,
8 she discussed the numerous meetings between the applicant and the neighbors
9 in an effort to solicit input and mitigate impact on the nearby residents. She
10 described what she considers a very strong plan, beneficial to the greater
11 neighborhood, adding that this plan preserves the tree grove, satisfies density
12 requirements, provides for less traffic in the interior near elementary school,
13 provides mitigation for adjacent neighbors, includes an attractive exterior
14 plan, provides an enhances wetland area and includes appropriate restrictions
15 on building. She emphasized that this plan involved many hours of extensive
16 work and a coming together of the neighborhood, resulting in a win/win
17 situation, adding that this effort should be awarded with full approval of all
18 seven applications.

19
20 **TOM GILROY**, 15224 SW Emerald Street, Beaverton, OR 97007, noted
21 that his home is located between the proposed Beard Court and Sexton
22 Mountain Village Project, both of which are under consideration tonight. He
23 extended his full support of the Haggen application, highlighting his rationale,
24 as follows:

- 25 1) There is a need for a grocery store in the neighborhood. Currently
26 the family shops outside of Beaverton, because the local stores are
27 not adequate, lack quality and selection, and are older and
28 unappealing. All of these issues are addressed by Haggen Store.
29 Having young children, having the opportunity of a pharmacy
30 available nearby at any hour appeals to both parents.
- 31 2) This is a wonderful opportunity to move commercial development
32 from the neighborhood interior out to Murray Boulevard, which
33 has been developed to support commercial development. The
34 single-family homes proposed by the applicant at 155th Avenue
35 and Beard Road is a much more appealing fit for both the
36 neighborhood and the families concerned.
- 37 3) He has participated in many meetings over the past few years with
38 both Haggen and Polygon, both of whom have made every effort
39 to address his concerns as a neighbor.

40 Stating that he is very comfortable with the prospect of this applicant building
41 within his neighborhood, Mr. Gilroy expressed his support of the application.

42
43 Commissioner Heckman referred to Mr. Gilroy's statement that Murray
44 Boulevard has been developed for commercial usage, and Mr. Gilroy
45 expressed his opinion that a four-lane arterial road supports commercial
46 development far more than 155th Avenue and Beard Road.

1 Commissioner Heckman questioned what percentage of Murray Boulevard
2 from Allen Boulevard to Scholl's Ferry Road is developed commercially,
3 versus those that is developed single-family or multi-family.
4

5 Observing that he can not provide an expert's opinion, Mr. Gilroy expressed
6 his opinion that the percentage of Murray Boulevard that is developed
7 commercially is not very large, most likely under 25%.
8

9 Commissioner Heckman requested clarification of Mr. Gilroy's opinion that
10 25% or less of Murray Boulevard between Allen Boulevard and Scholl's
11 Ferry Road be developed at a commercial level.
12

13 Mr. Gilroy agreed with this statement, adding that he does not feel that the
14 155th Avenue/Beard Road area, which is currently zoned NS, supports that
15 type of development to the extent that Murray Boulevard does.
16

17 Referring to Mr. Gilroy's statement that his family currently shops outside of
18 Beaverton, Commissioner Voytilla questioned what make's the Haggen Store
19 proposal more attractive than what is already available.
20

21 Observing that his family has resided in this neighborhood for three years, Mr.
22 Gilroy stated that his family has shopped at most of the grocery stores and
23 found that the parking was inadequate, the stores were crowded and the
24 general quality of service was low. Noting that because he works near an
25 existing Haggen Store he sometimes shops there, he stated that he is very
26 pleased with what is available there. He expressed his opinion that Beaverton
27 deserves this quality store.
28

29 Chairman Maks requested that Mr. Owens and Ms. Bussard come forward to
30 testify, followed by Joella Schroeder and Mr. Hyatt.
31

32 **DEIDRE BUSSARD**, 15035 SW Opal Drive, Beaverton, OR 97007, stated
33 that her street is immediately across from 149th Avenue off of Beard Road,
34 adding that her neighborhood is called Shadow Creek. Referring to testimony
35 she had heard indicating that all of the neighbors welcome Haggen Store with
36 open arms, she emphasized that she is the only individual from her
37 neighborhood present tonight. She explained that this is because nobody was
38 aware of this meeting and that they had assumed that the Haggen Store is a
39 done deal. She emphasized that to her knowledge, the applicant has never
40 approached anyone from her neighborhood, adding that as an original
41 inhabitant of her neighborhood, in which she has lived for 7-1/2 years, she
42 does know most of the neighbors. Apologizing for getting emotional, she
43 emphasized that they have never been approached by the applicant and they
44 live directly across from the proposed grocery store. She expressed concern
45 with the impact upon her family and friends, adding that while people appear
46 to be concerned with trees, they don't equally value human life.

1 Ms. Bussard described an incident that occurred a month ago during which
2 her and her son were nearly hit by a vehicle while crossing the street to her
3 house. She observed that the driver was traveling fast, hadn't stopped at the
4 stop sign coming down the hill. While attempting to slow down her 4-year-
5 old toddler on his bicycle and pushing a stroller, she had yelled at the driver,
6 who came within inches of hitting them, to slow down. She mentioned that
7 the City is unwilling to install a 4-way stop sign at the intersection of 151st
8 Avenue and Opal Drive, or install speed bumps, despite requests from several
9 of the neighbors. She expressed her opinion that their reluctance is due to the
10 issue of cost. Noting that a speed bump costs approximately \$5,000 to
11 \$10,000, she requested clarification of the value of our children's lives. She
12 stated that if Haggen Store were willing to include these amenities she would
13 welcome them more openly.
14

15 Ms. Bussard pointed out that traffic is currently a problem in the
16 neighborhood, noting that it while the City is unwilling to take any action
17 now, it can only get worse with the proposed development. She mentioned
18 that she is also concerned with noise and general livability issues. She
19 expressed her disbelief at people welcoming this store wholeheartedly when
20 there are already five nice grocery stores within a two-mile radius. why do
21 people welcome it wholeheartedly, when there are five nice stores within two-
22 mile radius. She observed that she has concerns with crime at these stores
23 during the late night hours, noting that in the Albertson's Store parking lot on
24 Hall Boulevard at 9:00 p.m., she has witnessed both shoplifting and drug
25 deals, neither of which she wants in her neighborhood. She referred to the 24-
26 hour pharmacy, observing that if her children have a medical emergency
27 during the night, she is going to go to St. Vincent's Hospital, rather than
28 Haggen Pharmacy. She expressed concern with the individuals employed by
29 the five local grocery stores, noting that in the process of creating new jobs,
30 Haggen Store may eliminate existing jobs. She noted that in 1998, the
31 Planning Commission had decided against this same rezone and expressed her
32 opinion that for this to occur now is unprecedented. She mentioned that the
33 owner of the Beard Court property is Sam Allen, a Clackamas real estate
34 agent...
35

36 Observing that Ms. Bussard is on a roll, Chairman Maks informed her that she
37 is emotional and not addressing the subject.
38

39 Ms. Bussard stated that her concerns are relevant.
40

41 Chairman Maks advised Ms. Bussard that her statements are actually not
42 relevant, adding that she has addressed one of the relevant issues, which is
43 compatibility with surrounding areas, urging her to stick to the issues.
44

45 Observing that many of the current residents have indicated that they will
46 move if the grocery store is located there, Ms. Bussard, pointed out that they

1 had moved into a neighborhood that was zoned a certain way. She expressed
2 her opinion that this is not fair, and mentioned potential decreased property
3 values, traffic problems and safety.
4

5 **JOHN OWENS**, 7860 SW Everett Court, Beaverton, OR 97007, expressed
6 his support of the Haggen/Polygon applications. Observing that he concurs
7 with and will not repeat the statements of others who have supported this
8 project, he pointed out that his support of the Haggen Store is the result of
9 special circumstances that he would like the Planning Commissioners to
10 become aware of. Noting that his wife is handicapped and he has to push her
11 in a wheelchair, he informed the Planning Commission that Haggen Stores are
12 the only ones he is aware of with features allowing him to easily take her
13 grocery shopping. He observed that at Haggen Store, he could unload her into
14 a wheelchair and back under shelter, adding that they also feature a dead level
15 entry, eliminating the need to push the wheelchair over thresholds. Haggen
16 Store also maintain wide aisles without displays in the aisle ways, allowing
17 him to maneuver the wheelchair throughout the store. He emphasized that all
18 of these features and amenities make a great difference in her day, and that
19 she appreciates the opportunity to be able to get in and out of a store
20 occasionally, adding that this will be a tremendous benefit to the entire
21 community.
22

23 Chairman Maks expressed his appreciation to Ms. Bussard, and apologized for
24 interrupting, adding that he is required to make certain that testimony is
25 limited to applicable criteria. He pointed out that the area is growing and
26 development is inevitable, advising her that as the traffic increases, she should
27 continue to contact the City in her quest for signs. Referring to her request for
28 speed bumps, he informed her that arterials are supposed to have a lot of
29 traffic, adding that as a collector street, the purpose of Beard Road is to bring
30 these cars to Murray Boulevard.
31

32 Chairman Maks requested that Mr. Hyatt and Ms. Shroeder come forward to
33 provide their testimony.
34

35 **JOELLA SCHROEDER**, 8400 SW 154th Avenue, Beaverton, OR 97007,
36 commented that there is little she can add to all of the previous testimony, and
37 requested approval of what she considers to be a high-class project.
38

39 **DAVID HYATT**, 10223 NW Dick Road, Hillsboro, OR 97124, noted that
40 his family owns the parcel referred to as Beard Court. Observing that the
41 property had been put up for sale in 1985, he mentioned that a large 4' x 8'
42 sign had been posted at the site for approximately seven years before they had
43 been approached by Haggen Stores and dozens of other potential developers.
44 He pointed out that his family had felt that the applicant offered the best
45 proposal for this property, and described the work and efforts involved in
46 these applications. He noted that he is very pleased with the entire project,

1 which he feels is feasible and has community support in their need and desire
2 for this particular store, although the residents appear to prefer that it be
3 located on Murray Boulevard, rather than in the interior of the property. He
4 described and expressed his approval of the features of the plan, particularly
5 the intent to preserve the trees.

6
7 Chairman Maks requested that Alan Shroeder and Mr. Hamlin come forward
8 to testify.

9
10 **ALAN SHROEDER**, 8400 SW 154th Avenue, Beaverton, OR 97007,
11 mentioned that although he seldom agrees with wife, he is in support of all the
12 proposals. Noting that these proposals will result in a better neighborhood
13 and better city than what would otherwise result. Observing that the technical
14 details have already been presented adequately by some very capable
15 individuals, he stated that his opinion is his perception as a citizen. He
16 commented on the rezone requests, expressing his opinion that it is intuitively
17 obvious that commercial zoning is more appropriate along a major
18 thoroughfare, such as Murray Boulevard, than buried a half an hour into a
19 residential neighborhood. The proposed developments will have a less
20 adverse impact on the surrounding neighborhoods than other potential
21 developments might have. He emphasized that the Beard Court proposal is a
22 quality development capable of standing on its own merits. He described the
23 Sexton Mountain development, which combines a well-thought-out higher
24 density residential development with a much-needed commercial
25 development. He emphasized his inability to comprehend the logic of the
26 opponents of this proposal, pointing out that the property will eventually be
27 developed and that there is very little chance that it will be developed as
28 single-family residential. Haggen Store has made much more effort in
29 mitigating the issues than other potential developers, and described another,
30 less desirable alternative. He emphasized the necessity for a good grocery
31 store, pointing out that the nearest store presents a great potential for accidents
32 for those attempting to leave the store and travel south on Murray Boulevard.
33 Concluding his presentation, he pointed out that this store would not generate
34 more traffic because the same individuals will be making the same amount of
35 trips to a grocery store, whether it is Haggen Store or a competitor. He
36 expressed his appreciation for the time and efforts of the members of the
37 Planning Commission in their desire to provide a better city.

38
39 Commissioner Heckman commented that in addition to the time spent at
40 meetings, Commissioners spend many hours at home reading materials and
41 documents to prepare for these meetings. He informed Mr. Schroeder that
42 these seven applications had provided him with 41 pounds of reading
43 materials. Referring to Mr. Shroeder's comment that this store will not
44 generate more traffic in the area, he questioned whether he thinks that all of
45 the shopping at this particular store would be done by local residents and that
46 no new traffic will be generated.

1 Mr. Shroeder advised Commissioner Heckman that while he had not intended
2 to indicate that no additional traffic would be generated in this particular area,
3 but that there would be no increase in traffic in the overall Beaverton area. He
4 pointed out that any traffic impact in this specific area would most likely be
5 eliminated in another area. On question, he agreed that it is possible that more
6 traffic would be generated in this particular area.

7
8 Chairman Maks observed that **BOB HAMLIN**, 17875 NW Sue Court,
9 Beaverton, OR 97006, is in favor of the Haggen Store application, although
10 he is no longer present to provide testimony.

11
12 Chairman Maks requested that Elise Smith and Patricia Hyatt come forward to
13 testify, followed by Sue Hamlin and Gary Bliss.

14
15 **PATTY HYATT**, 10223 NW Dick Road, Hillsboro, OR 97124 observed
16 that she is a native of this area and grew up on what is referred to as the
17 Magerl property, adding that her mother, Hermina Magerl, still owns the
18 property. Observing that she represents her family on this issue, she
19 expressed her amazement that it had generated 41 pounds of paperwork for
20 the Planning Commissioners to read. She commented that as a property
21 owner, her mother had also received a packet of information, adding that her
22 mother had also weighed hers, although it was only 3-1/2 pounds. She urged
23 that the Planning Commissioners vote in favor of applications, adding that as
24 a resident of the neighborhood since 1962, she feels this housing development
25 and grocery store is preferable to the self-storage and video store which were
26 also proposed. On behalf of her mother, who walks every morning at
27 Washington Square with her friends, she stated that they all agree that Haggen
28 Store is a quality grocery store and they are looking forward to the
29 opportunity to shop there.

30
31 **ELISE SMITH**, 15015 SW Telluride Terrace, Beaverton, OR 97007,
32 mentioned that she had been a resident of Beaverton for 17 years. She stated
33 that her testimony applies to the applications' failure to comply with
34 Comprehensive Plan criteria nos. 2, 4, 7 and 8. She expressed the concern of
35 the neighbors who are impacted by the development on the former rock quarry
36 and landfill and potential geo-environmental issues. She read a document that
37 she had submitted and distributed to members of the Planning Commission,
38 which expressed concern with the following:

- 39
40 1. The unknown levels of organics and combustible gas hazards in
41 certain site areas that are referenced in the February 15, 2000 Geo
42 Design Report;
43 2. One of the implications of the Agra 1997 Boring Test is a very
44 heavy site preparation requirement, specifically a very high
45 penetration resistance at approximately four to seven feet and at

1 fifteen feet below the surface, one of which was terminated by the
2 City prior to achieving its planned depth;

3
4 Ms. Smith urged that prior to approval, the City require the applicant to
5 finance the proper geo-environmental test and analysis of the site as
6 recommended by Geo Design. She requested that all applicable information
7 and materials be made readily available to the public and that all test sites be
8 indicated on the site plan. She advised that the City require the applicant to
9 create an Escrow Account in the amount required to adequately address any
10 damages caused by the construction. She stated that the City should also
11 require the applicant to provide temporary housing for the residents for the
12 duration of the heavy site work. She referred to City Code 9.05.035, which
13 requires that certification be submitted verifying that the lowest finished floor
14 of each home adjacent to the area of the 100 year storm is at least one foot
15 above the base foot elevation prior to flooding foundation footing inspection
16 approval by the Building Division.

17
18 On question, Ms. Smith informed Chairman Maks that she is not certified in
19 this area of expertise.

20
21 Chairman Maks questioned whether Ms. Smith has official documentation to
22 supply that supports this letter.

23
24 Ms. Smith advised Chairman Maks that she has a copy of that big book,
25 adding that she can review the book and make reference to respond to any
26 requests.

27
28 Chairman Maks requested verification of her source of information, observing
29 that Ms. Smith actually has no information to substantiate her statements other
30 than what has already been submitted by the applicant.

31
32 Ms. Smith concurred that her information had been obtained solely from the
33 applicant's materials.

34
35 Observing that she had made several references to herself and also we,
36 Commissioner Bode questioned whether Ms. Smith is representing any
37 individuals other than herself.

38
39 Stating that she is opposed to the Haggen Store application, Ms. Smith added
40 that she is representing her friends – people who she feels would suffer from
41 this process. On question, she informed Commissioner Bode that she is not
42 actually representing an organized group.

43
44 Commissioner Bode referred to Ms. Smith's assessment that the applicant
45 should provide temporary housing to residents during the heavy site work,
46 specifically whether this is her own idea.

1 Ms. Smith advised Commissioner Bode that these suggestions include what
2 she personally feels the City should do in the event of this heavy site work,
3 which would have a detrimental effect on the daily lives of the residents.
4

5 Observing that she was attempting to determine how many individuals had
6 made this determination, Commissioner Bode expressed her opinion that one
7 is a good number.
8

9 Commissioner Voytilla referred to paragraph 1 of page 2 of Ms. Smith's
10 letter, questioning specifically what type of heavy work she expects the site
11 preparation to include.
12

13 Ms. Smith discussed borings tests, expressing her opinion that this is
14 indicative of heavy site work.
15

16 Commissioner Voytilla reminded Ms. Smith of her statement that preparation
17 of the site would require heavy site work, and asked her specifically exactly
18 what she considers to be heavy site work.
19

20 Ms. Smith informed Commissioner Voytilla that the excavation of the area
21 where the grocery store is proposed would involve heavy equipment and
22 heavy machinery, adding that she does not have the knowledge of the
23 technical terms to respond as specifically as a Civil Engineer. She expressed
24 her opinion that this work would substantially affect the neighboring homes,
25 including noise and structural damage to the homes.
26

27 Commissioner Voytilla questioned whether she had obtained any professional
28 assistance in her assessment of the situation.
29

30 Ms. Smith advised Commissioner Voytilla that her professional assistance
31 was provided by her husband, who is home with the children at this time.
32

33 Commissioner Voytilla suggested that Ms. Smith might want to provide some
34 sort of substantial documentation that supports her testimony.
35

36 Ms. Smith informed Commissioner Voytilla that she is also requesting
37 documentation, adding that some of the necessary information is missing on
38 one of the exhibits. Specifically, there are three of the labels designated
39 "considerable organics" missing, adding that she would like to know the
40 location of those three particular test pits.
41

42 Commissioner Heckman referred to Ms. Smith's statement that the organics
43 on the site are capable of producing methane and her reference to missing
44 information. He questioned whether she is insinuating that this missing
45 information indicates where these organics are located, and whether she is
46 referring to methane gas today or in the future.

1 Ms. Smith referred to Geo Design's Summary Report dated February 15,
2 2000, had recommended geo-environmental tests, which have not, to her
3 knowledge, been addressed.

4
5 Commissioner Heckman requested clarification of whether she is indicating
6 that she feels this situation is suspect and would like to receive documentation
7 of the applicable testing.

8
9 Ms. Smith informed Commissioner Heckman that it is her understanding that
10 these tests have not taken place, noting that she has the three test site logs that
11 indicate the presence of considerable organics. Noting that these are the last
12 three logs of Agra's, she pointed out that they are not indicated on any site
13 plan map, and referred to TP-1, TP-2 and TP-3 from 1997.

14
15 Chairman Maks requested that Gary Bliss and Sue Hamlin come forward to
16 testify.

17
18 Observing that SUE HAMLIN, 17875 NW Sue Court, Beaverton, OR
19 97006, is no longer present, Chairman Maks asked that the record show that
20 she is in support of the Haggen Store application.

21
22 Chairman Maks noted that GARY BLISS, 6929 SW 167th Avenue,
23 Beaverton, OR 97007, is in support of the CUP 2000-0002 Haggen Store
24 application, although he is no longer present.

25
26 Chairman Maks requested that Ms. Ferguson and Patricia Xi come forward to
27 provide their testimony.

28
29 A representative of JANET FERGUSON, 16120 Granite Court, Beaverton,
30 OR 97007, submitted her written testimony in support of the Haggen Store
31 application.

32
33 Chairman Maks observed that PATRICIA XI, 8325 SW 152nd Avenue,
34 Beaverton, OR 97007, is no longer present but opposes the Haggen Store.

35
36 Chairman Maks requested that Tim Brandon and Paul Hagadorn come
37 forward to testify.

38
39 Observing that PAUL HAGADORN, 3245 SW 117th Avenue #117,
40 Beaverton, OR 97007, is no longer present to provide testimony, Chairman
41 Maks noted that he is in support of the Haggen Store application.

42
43 Chairman Maks also called Jeff Wood to come forward to testify, advising
44 him that although he has been thinking of him for two years, he is going to
45 allow Mr. Brandon to testify first.

46

1 **TIM BRANDON**, Box 571, Beaverton, OR 97007, observed that he lives at
2 the northeast corner of 155th Avenue and Beard Road, adding that his property
3 is part of the property proposed for Beard Court. Noting that he would like to
4 address the proposed Tree Preservation Plan, he pointed out that his only
5 concern is regarding an American Elm Tree that is located on his property.
6 He described this tree as being approximately eleven feet around,
7 approximately eighty feet high, adding that this is a large tree and kind of a
8 big deal to him. Noting that the Tree Preservation Plan refers to this as Tree
9 No. 135, he expressed his concern with the proposal to remove this tree
10 because it *might* get Dutch Elm Disease. He pointed out that this rare tree,
11 which does not have Dutch Elm Disease is valuable and should be preserved.
12 He explained that this disease is spread from tree to tree by means of a wood
13 boring beetle, adding that without any other Elm Trees nearby, it is unlikely
14 that this will occur. He stated that while he is uncertain of the exact age of his
15 Elm Tree, a hundred year old Elm Tree is three feet in diameter, adding that
16 since he estimates that this particular tree is approximately sixty years old, it is
17 possible that it is one of the varieties that is resistant to Dutch Elm Disease.

18
19 **JEFF WOOD**, 8900 SW 149th Place, Beaverton, OR 97007, stated that he
20 has been a resident of the neighborhood for slightly over three years. He
21 commented that although he has attempted not to get involved, he has
22 attended all of the meetings and reached the conclusion that these Haggen's
23 people are really nice people. He stated that he has become completely
24 convinced that the trucks backing up will be quieter than the birds that used to
25 sing in the area, emphasizing that these people can prove it. He expressed his
26 opinion that the smell of his barbecue will most likely not annoy the guys
27 driving their diesel trucks, adding that the diesel fumes should completely
28 overpower his barbecue. He mentioned that the applicant is extremely helpful
29 and will even buy you cookies.

30
31 Mr. Wood mentioned that at the first meeting he had attended he had
32 suggested relocating the store over to the far corner, adding that no one on
33 149th Avenue would mind, and the applicant had informed him that it is not
34 feasible because the ground is unstable and would require more preparation.
35 Then he was informed that the applicant intends to build townhouses where
36 they had indicated that the ground is too unstable to locate the grocery store.
37 At another meeting, he had suggested that the loading dock be located on the
38 side of the store, and the applicant had informed him that all their loading
39 docks are located at the back of their stores. He had urged them to reconsider,
40 pointing out that no one would be bothered if the loading dock were located
41 on the side, and they had informed him that this would be too expensive,
42 although they are willing to spend a half a million dollars to enclose this
43 loading dock. He questioned how the trucks would enter and leave this
44 enclosed area, and was informed that they would have to back up – it is a
45 loading dock. He provided sound effects depicting horns honking and drivers

1 revving up their engines while backing into the loading dock, and questioned
2 whether they intend to pipe the diesel smoke into the neighborhood.

3
4 Mr. Wood expressed his opinion that he would prefer the applicant to locate a
5 Women's Prison on the site, noting that at least they close at night, so he
6 could sleep. He pointed out that the applicant intends to build a grocery store,
7 adding that there are already a lot of abandoned grocery stores in the area and
8 not enough Asians to create more Asian markets. He mentioned that one
9 abandoned grocery store had been converted into a library.

10
11 Chairman Maks requested that Mr. Wood summarize and conclude his
12 testimony.

13
14 Mr. Wood referred to the big box stores being constructed in Hillsboro, noting
15 that businesses such as "Office Depot" and "Staples" are taking over the old
16 grocery stores. He expressed his concern that the entire neighborhood will
17 change, pointing out that another chain might decide that they need to build a
18 bigger store than those Haggens guys. He observed that it is not necessary to
19 locate this store right in the middle of the neighborhood, adding that Tigard
20 had run the rascals out of town and that in his opinion, Beaverton is a lot
21 smarter than them. He stated that while he has nothing against Hagen Store
22 personally, Fred Meyer has covered drive-up for handicapped people.

23
24 Mr. Wood mentioned that it had taken him 22 minutes to travel down Murray
25 Boulevard from Tualatin Valley Highway to 149th Avenue at 5:15 p.m. today,
26 expressing concern with the peak hour traffic.

27
28 Chairman Maks reminded Mr. Wood that he had been requested to summarize
29 his testimony.

30
31 In summary, Mr. Wood urged that we hold on to what we've got, adding that
32 he is in favor of the devil we know over the devil we don't know.

33
34 On question, Mr. Brandon informed Chairman Maks that Tree No. 135 is
35 designated with an "X", which he believes indicates removal.

36 Chairman Maks thanked Mr. Brandon, noting that he will review the matter.

37
38 Noting that he had been wondering if Tree No. 135 is destined for
39 preservation, Commissioner Heckman observed that that question has been
40 addressed.

41
42 On question, Mr. Wood informed Commissioner Heckman that he had
43 definitely recommended that the applicant rotate the building 90 degrees, and
44 they had refused, although they did have cookies.

45

1 Commissioner Heckman questioned the diameter of the Tree No. 135, and Mr.
2 Brandon informed him that while the diameter is approximately 42 inches,
3 although the circumference is eleven feet around.
4

5 On question, Mr. Brandon advised Mr. Heckman that in addition to the "X",
6 which indicates cutting a tree, the map indicates development right where the
7 tree is located.
8

9 Commissioner Heckman assured Mr. Brandon that he intends to investigate
10 this issue, and thanked both Mr. Brandon and Mr. Wood for their testimony.
11

12 Mr. Maks requested that Mr. Adkins and Ms. Cadell come forward to testify,
13 followed by Brent Fitch and Everett and Nancy Hall.
14

15 **SUSAN CADELL**, 8250 SW Sorrento Road, Beaverton, OR 97007,
16 observed that Mr. Wood is going to be a tough act to follow, and Chairman
17 Maks assured her that he always is. Ms. Cadell pointed out that while she was
18 born and raised at 8250 SW Sorrento Road, she owns a home on 154th
19 Avenue. She stated that she has been involved in that area for many years,
20 and had known Lyle Cobb and ridden his horses. She referred to all of the
21 changes that have taken place in the area, adding that she has followed this
22 application process carefully from the very beginning. She expressed her
23 opinion that the proposed zoning swap makes a lot of sense, and will enhance
24 the neighborhood, rather than chopping it up. She expressed her support for
25 the Haggen Store, pointing out that since something will eventually happen
26 with this property, it may as well be Haggen. She described Haggen as a good
27 developer, providing a positive development for this area. She emphasized
28 that she has a great deal of feelings for this area, and as a past President of the
29 Beaverton Chamber of Commerce, noting that they had discussed at that time
30 all of the potential ramifications of this situation. She stated that they had
31 considered the position of the NFL, looked at the proposal and asked
32 questions, resulting in strong support in favor of the Haggen proposal. She
33 noted that she is personally in favor of the 24-hour operation, adding that she
34 is a career woman who does her shopping when it is quiet. She strongly urged
35 the Planning Commission to consider this well thought out proposal.
36

37 **BRYCE ADKINS**, 15395 SW Gleneden Drive, Beaverton, OR 97007,
38 offered a comment to reinforce the public need for this particular store,
39 specifically that the 80% minimum density requirement will eventually bring
40 many more people to this area which is not yet completely undeveloped. He
41 expressed his full support of the Haggen proposal, which he feels will be a
42 benefit to the entire community.
43

44 Commissioner Heckman questioned whether Ms. Cadell has any history of the
45 pit area, specifically whether she has any direct knowledge of any of the fill
46 that had been referred to.

1 Ms. Cadell, informed Commissioner Heckman that her memories of the site
2 are limited to parking there while in high school.

3
4 Observing that he had first noticed he was losing it with Mr. Wood, Chairman
5 Maks advised Commissioner Heckman that this is not the type of expertise the
6 Commission is looking for.

7
8 Commissioner Heckman expressed his opinion that Ms. Cadell does have the
9 historical knowledge to which he is referring.

10
11 Observing that the site is an old rock pit, Ms. Cadell expressed her opinion
12 that with soils on the surface, digging through the rock is going to reveal some
13 organics down below. Noting that she is the Operations Manager for Cornell
14 Oaks Corporate Center, she pointed out that it is common to dig up pockets of
15 organics while developing vacant farmland. She mentioned that sometimes
16 these organics stink and create problems, adding that the normal procedure is
17 to remove the material.

18
19 Chairman Maks requested that Everett and Nancy Hall and Mr. Fitch come
20 forward to testify.

21
22 Brent Fitch indicated that he is a representative of the applicant.

23
24 Chairman Maks requested that George Kyler also come forward to testify.

25
26 **EVERETT HALL**, 2833 NE Weidler, Portland, OR 97232, presented a
27 video approximately a minute and a half in length, depicting the problems
28 they encounter with the Hollywood Fred Meyer Store, which is located near
29 their home, including the noise from the street sweeper, traffic and leaf blower
30 in the parking lot at different times. He pointed out that much of the debris
31 and dirt is blown into the bushes, at which point the wind picks it up and
32 deposits it into the neighbors' yards.

33
34 Mr. Hall pointed out that if the sound had been operable, it would have made
35 impact. He expressed his opinion that the current residents must have
36 recourse for unforeseen problems that may occur within a development. He
37 noted that he intends to address Item Nos. 1, 2 and 8. He stated that his family
38 has been fighting with this store for literally years, on different topics, and
39 indicated a file consisting of letters written to the store, adding that the store is
40 unresponsive to their concerns. He discussed midnight maintenance at the
41 store, noting that the store does not even acknowledge that it is occurring.
42 This includes sweepers and leaf blowers, as well as pressure washing, delivery
43 trucks, idling engines, refrigerated units, trash compactors, bottle recycling
44 and trash pickup, all of which the store does not consider issues. He noted
45 that although these were not issues for the store, they were issues for the
46 neighbors, until at one point one of the neighbors finally confronted them with

1 a gun, at which time they recognized that a problem existed. He stressed that
2 the neighbors require some sort of recourse in the event of an issue, adding
3 that the property owners must be forced to deal with these issues. He
4 mentioned to what he referred to as bums that frequent a grocery store,
5 describing these individuals who may drink too much alcohol, expose
6 themselves in public, catcall at the women and pass out in public, noting that
7 these individuals are there to use the bottle recycling machines. While in the
8 neighborhood, they leave litter, create problems and threaten neighbors. He
9 mentioned that hypodermic needles were being left in the parking lot, noting
10 that they had informed store security.

11
12 Chairman Maks advised Mr. Hall that only specific testimony regarding these
13 applications and applicable criteria needs to be addressed.
14

15 Mr. Hall informed Chairman Maks that he is addressing Item No. 2,
16 specifically the problems associated with locating a big supermarket adjacent
17 to an existing residential district. He mentioned that he had discovered who
18 was leaving their hypodermic needles in the parking lot, informed store
19 security, who refused to deal with it personally or even notify the local police.
20 He discussed the problem associated with car alarms in the parking lots,
21 noting that even employees whose alarms were going off for eight hours at a
22 time did not go out to their car and turn them off. He mentioned that the
23 store's surveillance equipment interferes with electronic equipment utilized by
24 the neighbors, including their telephones. He discussed the problems with
25 graffiti, noting that the store had been extremely reluctant to deal with that
26 issue.
27

28 Chairman Maks requested that Mr. Hall summarize his presentation.
29

30 Mr. Hall mentioned other issues of concern, including dog do and dead
31 animals, emphasizing that the current residents must have some sort of
32 recourse for whatever issues that occur.
33

34 **NANCY HALL**, 2833 NE Weidler, Portland, OR 97232, addressed
35 Comprehensive Plan Criteria Nos. 2 and 8, attesting to the problems and
36 disruption this has caused her neighborhood. She mentioned the primary
37 causes of problems associated with noise, including truck loading, traffic,
38 trash compactors and sweepers, all of which are universal store activities.
39 Although they may go unnoticed in a commercial zone, in a residential area,
40 there is a great impact on livability. A once quiet street now averages 1,200
41 cars per day, including a parade of loud, fume-spewing trucks throughout the
42 day and night. The noise from the leaf blowers and vacuum sweeper trucks
43 penetrates the homes, and Portland's noise code currently offers no protection
44 from these obnoxious machines. She discussed the gasoline-powered pressure
45 washers utilized to clean the facility, as well as the anti-theft devices, which
46 interferes with their cordless telephones. She mentioned car alarms, loud

1 stereos, loudspeakers from the store, sirens and rattling shopping carts, adding
2 that the store shows little concern for the neighborhood. She indicated a stack
3 of files that represents seven years of efforts to mitigate traffic and noise in the
4 neighborhood, emphasizing that it is still unresolved and the neighborhood is
5 still under siege from noise. She referred to the effect exhaust of the cars,
6 trucks and machines condensed into this small area on the air quality in the
7 neighborhood, expressing concern with the fine particles of less than 2.5
8 microns that the EPA states comes from fuel combustion and diesel buses and
9 trucks. She stressed that these particles reach the deepest recesses of the
10 lungs. She read an excerpt from *American Sweeper Magazine*, as follows:
11 "Even though they typically use water-based dust suppression systems, all but
12 the latest technology vacuum sweepers _____ a high level of particulates
13 into the atmosphere on a continual basis. As a result of the studies by the
14 EPA and others, it is now known that these are pollutant-laden particles that
15 pose a quantifiable hazard to human health and safety." She referred to the
16 Noise Control Act of 1972, which establishes statutory mandated national
17 policy to promote an environment for all Americans free from noise that
18 jeopardizes their public health and welfare. Siting a noisy, high traffic
19 generator, such as a store, in a residential neighborhood, is incompatible with
20 this goal. She emphasized that in spite of any promises, once the store is
21 constructed, the neighbors will have very little recourse for any problems that
22 occur, urging that the Planning Commissioners deny this application.

23
24 Mr. Hall referred to the 24-hour pharmacy...

25
26 Chairman Maks advised Mr. Hall that his testimony is done.

27
28 Commissioner Voytilla questioned whether the Halls have any specific
29 interest in the properties affected by this particular proposal, and Mr. Hall
30 advised him that they do not, although neighborhood residents had requested
31 that they testify at this public hearing.

32
33 Ms. Hall explained that she had seen a news article on television regarding
34 this proposal, adding that she feels strongly about siting stores in residential
35 neighborhoods.

36
37 Commissioner Voytilla expressed appreciation to Ms. Hall for clarifying the
38 motivation for her testimony, and Chairman Maks thanked her for testifying.

39
40 Mr. Osterberg questioned whether this video will be presented as an exhibit
41 for this Public Hearing, and Chairman Maks assured him that the video would
42 be included as a part of the official record.

43
44 Chairman Maks requested that Mr. Kyler and Ms. Malone come forward to
45 testify.
46

1 **GEORGE KYLER**, 3531 NW 163rd Court, Beaverton, OR 97007,
2 Chairman of the Board and on behalf of the Beaverton Chamber of Commerce
3 expressed approval of the seven applications under consideration. He
4 explained that prior to determining that the Chamber of Commerce would
5 support these actions they had discussed the issues and criteria, including land
6 use issues, transportation, livability and quality of life, with the NFL and other
7 concerned neighbors. He stated that the Chamber of Commerce highly
8 supports and urges that the Planning Commission approve the application for
9 Haggen Stores, which they believe is the appropriate land use. He referred to
10 discussions several years ago regarding the zoning swap, observing that this
11 action removed the commercial use from 155th Avenue, which is more
12 appropriate, under consideration of the nearby school. He observed that the
13 market should dictate the hours of operation, adding that if the store is not
14 busy at certain times there is less impact on the neighbors. He noted that a
15 competitive environment makes it difficult to limit the hours of operation of a
16 business. He stated that the development is well planned and various
17 compromises have been made with adjacent property owners, emphasizing
18 that the Chamber of Commerce urges the support of the Planning
19 Commission.
20

21 **MAURA MALONE**, 14900 SW Ruby Street, Beaverton, OR 97007,
22 referred to Exhibit 6, and repeated her concern with geo-environmental issues.
23 Observing that she is not trained in this field, she noted that she would like to
24 specifically address the Sexton Townhomes and the test pits conducted in
25 April 2000. She noted that organics were found in Test Pits 1, 3, 6, 10 and 14,
26 all of which were discovered at a level below 17 feet. She questioned why the
27 test pits only reached a depth of 17 feet if the pit is to be 250 feet in depth.
28 She mentioned that on April 28, 2000, Geo Design had responded to these test
29 pits, recommending that additional testing be conducted for organics and
30 methane gas. Because the area would be developed residentially, two tests
31 were recommended, bar hole tests and shallow air sampling well tests, which
32 would determine whether there was a need for alarm, positive ventilation and
33 passive ventilation for the development. She mentioned that some concern
34 exists with this unregulated fill, and that decomposition of household waste
35 frequently generates high concentrations of methane gas. She expressed her
36 opinion that there could be a potential for a methane gas explosion or a risk of
37 asphyxiation to the residents. She mentioned a memorandum prepared on
38 May 4, 2000 by Geo Design, adding that this report does not include the
39 recommendations for the additional testing, nor does it state that
40 decomposition of household wastes frequently generates high concentration of
41 methane. She stressed that this entire section has been omitted, adding that
42 somebody had made an arbitrary decision not to further test this unregulated
43 landfill, with no evidence of any intervening testing between April 28, 2000
44 and May 4, 2000. She expressed her concern that Geo Design had simply
45 changed their mind and deleted the tests that they had specifically
46 recommended. She expressed concern with the taxpayers eventually paying

1 for mistakes made by the City at this time, and compared this situation with
2 problems encountered at The Round. She mentioned comments she had heard
3 referring to this particular fill as the communal dumping ground of years past,
4 including automobiles and oil cans – the makings of decompositions that
5 creates methane gas. She expressed concern with inconsistencies and
6 omissions, as well as the high turnover of firms evaluating the site. She
7 referred to the orange, oily goop some of the residents find in their yards each
8 winter.

9
10 Commissioner Voytilla asked Ms. Malone her opinion of the application
11 without her geotechnical concerns.

12
13 Ms. Malone expressed her opinion that the CS zoning is inappropriate in the
14 neighborhood, noting that the entire neighborhood is currently residential.
15 She mentioned that most Haggen Stores are not located in the midst of
16 residential neighborhoods, adding that she is not opposed to development and
17 that due to 2040 regulations, it may not be entirely possible for that area to be
18 entirely residential. Observing that she has never experienced anything
19 similar to this situation, she noted that she had grown up in a small town in
20 New England that did not even allow a movie theater in their purely
21 residential area. She mentioned the bitterness this controversy has created
22 within the neighborhood.

23
24 Commissioner Voytilla questioned what zone Ms. Malone would prefer to the
25 CS zone.

26
27 Ms. Malone referred to the type of neighborhood development with little
28 Mom & Pop Stores on the bottom floor with residential areas located above,
29 noting that this provides a nice transition that adds to the feel of the
30 neighborhood.

31
32 Commissioner Heckman mentioned the orange oily soup that Ms. Malone had
33 referred to.

34
35 Ms. Malone informed Commissioner Heckman that she had referred to goop,
36 orange oily goop. On question, she informed him that she believes that Dan
37 and Carolyn Sullivan would be more than happy to show this to him, adding
38 that it appears in their back yard and in the Elams back yard.

39
40 Commissioner Heckman questioned whether someone could provide a
41 sample.

42
43 Observing that this primarily bubbles up in the rainy season, Ms. Malone
44 offered to attempt to scoop some up for a sample.
45

1 Commissioner Heckman questioned Ms. Malone's opinion of what is
2 responsible for the orange, oily goop.

3
4 Ms. Malone advised him that given the nature of this unregulated landfill site,
5 no one truly knows what is down there.

6
7 On question, she informed Commissioner Heckman that her primary concerns
8 are the result of what she considers inconsistencies and insufficient testing at
9 the site.

10
11 Commissioner Heckman thanked Ms. Malone, expressing his appreciation of
12 citizens who pay attention to what is going on.

13
14 Chairman Maks requested that Ms. Coonrod and Ms. Wood come forward to
15 testify.

16
17 **RUTHIE WOOD**, 8900 SW 149th Place, Beaverton, OR 97007, discussed
18 her concerns with the proposed zone change and the development and the
19 effect on the stability and livability of the Beard Estates Neighborhood.
20 Noting that she is a realtor and property owner on 149th Place, she referred to
21 the incredible turnover of property in this neighborhood, particularly on 149th
22 Street. She stated that the turnover is much greater than that in the
23 surrounding area and comparable neighborhoods. Referring to this as a
24 relatively new neighborhood, she stated that the homes were built between
25 1994 and 1998, and that within these few years, many of these homes have
26 been sold two or three times. Within the past two months, seven homes have
27 been listed for sale on her street, which is a fairly high percentage out of a
28 total of 31 homes. She noted that these homes were purchased next to vacant
29 property that was zoned for residential development, adding that change
30 should not result in driving homeowners out of Beaverton. She emphasized
31 that homes should be a haven, where people rest, relax and raise their children
32 in peace and security. She stated that the proposed development and the
33 potential effect upon the neighboring property owners has not allowed that to
34 happen, adding that she can attest to the toll this has taken on health, well-
35 being and peace of mind. Emphasizing that she is not anti-development, she
36 urged that the Planning Commissioners consider their concerns. She referred
37 to the location and the rezone and John Spencer's statement in his report that
38 there is no specific clean zone that would allow a grocery store, suggesting
39 that the applicant is attempting to manipulate the situation. She advised
40 Commissioner Voytilla that she has attended all public community meetings,
41 attempted to voice concerns and to become a member of the original Rezone
42 Committee. She emphasized that because there were sensitive issues to
43 develop and she did not give her full support of the grocery store, she had
44 been asked to leave, adding that she was as involved as she was allowed to be.

45

1 Commissioner Heckman questioned whether Ms. Wood is insinuating that
2 people are leaving the area due to potential development, pointing out that in
3 the twelve years he has been in his neighborhood, there have been 130 owners
4 of 49 homes.

5
6 Ms. Wood agreed that some of this involves normal relocations, expressing
7 her opinion that some is also due to the impending development and their fear
8 of the unknown. She stated that they had asked for pictures to see what the
9 development would look like and these were never available. She pointed out
10 that the so many unanswered questions created a great deal of stress.

11
12 On question, Ms. Wood informed Commissioner Heckman that the proposed
13 development has had an effect on the value and price of houses in the area.

14
15 Chairman Maks observed that **JOANNE COONROD**, 15020 SW Beryl
16 Court, Beaverton, OR 97007, who is in support of Beard Court and the
17 Haggen Store, is no longer present. He noted that everyone who turned in
18 yellow cards has testified, asking if anyone else wishes to take the opportunity
19 to testify at this time.

20
21 Chairman Maks closed the public portion of the Public Hearing, noting that
22 the applicant's rebuttal will be heard Wednesday, May 31, 2000, and will be
23 limited to issues raised during the public testimony.

24
25 Commissioner Heckman **MOVED** and Commissioner Voytilla **SECONDED**
26 a motion that RZ 2000-0001 – Beard Court Rezone; CUP 2000-0001 – Beard
27 Court Conditional Use Permit (Planned Unit Development); TPP 2000-0001 –
28 Beard Court Tree Preservation Plan; RZ 2000-0002 – Sexton Mountain
29 Village Project – Haggen Store Zone Change; RZ 2000-0003 – Sexton
30 Mountain Village Project – Sexton Place Townhomes Zone Change; CUP
31 2000-0003 – Sexton Mountain Village Project Conditional Use Permit
32 (Planned Unit Development); and CUP 2000-0002 – Sexton Mountain Village
33 Project – Haggen Store 24-Hour Operation Conditional Use Permit; be
34 continued until a date certain of May 31, 2000.

35
36 Motion **CARRIED**, unanimously.

37
38 **MISCELLANEOUS BUSINESS:**

39
40 The meeting adjourned at 10:49 p.m.

CALENDAR:

1				
2	July	5	NO MEETING SCHEDULED	
3		12	Public Hearing	CUP 99-00032 HOME DEPOT (cont. from April 19, 2000)
4				CUP 2000-0015 IHOP OFF OF REGATTA LANE
5				CUP 2000-0014 GRAMOR
6				CUP 2000-0008 FOUNTAINCOURT
7		19	Public Hearing	CUP 2000-0002
8				RZ 2000-0005 ANNEXATION RELATED AMENDMENT
9				CPA 99-00015
10				TA 99-00006 TITLE 3 WATER QUALITY, FLOOD MGMT.
11				CPA 99-00014
12				TA 99-00005 GOAL 5 RIPARIAN & WETLAND PROTECTION
13		26	Public Hearing	RZ 99-00020 CORNELL ROAD REZONE OF TAX LOT 100
14				TPP 99-00008 WATERHOUSE 5 SUBDIVISION MODIFICATIONS
15				CPA 2000-0003 COMPREHENSIVE PLAN TRANSPORTATION
16				ELEMENT MODIFICATION
17	August	2	Public Hearing	CPA 99-00025 COMPREHENSIVE PLAN LAND USE ELEMENT
18		9	Public Hearing	CPA 99-00017
19				CPA 99-00018 TREE INVENTORY UPDATE
20				CPA 99-00013
21				TA 99-00004 WILDLIFE HABITAT & TREE PRESERVATION
22		23	Public Hearing	TA 2000-0004 TITLE 4 IMPLEMENTATION